

FEDERAL REGISTER

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Washington, Wednesday, November 25, 1942

The President

EXECUTIVE ORDER 9275

PREScribing ADDITIONAL REGULATIONS GOVERNING PERSONS AND VESSELS IN DEFENSIVE SEA AREAS

By virtue of the authority vested in me by section 44 of the United States Criminal Code, as amended (U.S.C., title 18, sec. 96), the following additional regulations are hereby prescribed to govern persons and vessels within the limits of defensive sea areas heretofore or hereafter established.

1. No person shall have in his possession within the limits of any defensive sea area, any camera or other device for taking pictures, or any film, plate or other device upon or out of which a photographic imprint, negative or positive, can be made, except in the performance of official duty or employment in connection with the national defense, or when authorized pursuant to the provisions of the act approved June 25, 1942 (Public Law 627—77th Congress), and the regulations promulgated thereunder (7 FEDERAL REGISTER 7307).

2. It shall be the duty of the master or officer in charge of any vessel to take custody of and safeguard all cameras or other devices for taking pictures, or film, plate or other device upon or out of which a photographic imprint, positive or negative, can be made, the possession of which is prohibited by this order, from any person, prior to the time any vessel enters any defensive sea area or upon the boarding by any person of any vessel while within a defensive sea area, and to retain custody thereof until such vessel is outside the defensive sea area or the person is about to disembark.

3. There shall be prominently displayed on board all vessels, except public war vessels of the United States manned by personnel in the naval service, a printed notice containing the regulations herein prescribed.

4. Any person violating section 1 hereof shall be liable to prosecution as

provided in section 44 of the Criminal Code, as amended.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
November 23, 1942.

[F. R. Doc. 42-12339; Filed, November 24, 1942; 11:19 a. m.]

Regulations

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4734]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

CONSUMER'S RESEARCH SERVICE, ETC.

§ 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Connections or arrangements with others:* § 3.6 (j) 15) *Advertising falsely or misleadingly—Identity of product:* § 3.96 (a) *Using misleading name—Goods—Identity:* § 3.96 (b) *Using misleading name—Vendor—Connections and arrangements with others.* In connection with offer, etc., in commerce, of respondent's publications "Consumer's Research Reporter" and "Consumer's Automobile Reporter", or any other similar publications, and among other things, as in order set forth, using the word "Consumer" or "Consumers" as a part of respondent's trade name or as a part of the name or title of respondent's publications, or otherwise representing, directly or by implication, that respondent has any connection with the corporation known as Consumers' Research, Inc., of Washington, New Jersey, or that respondent's publications are the publications of said corporation; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Consumer's Research Service, etc., Docket 4734, November 17, 1942]

§ 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or*

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connections of advertiser—Personnel or staff: § 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Qualifications.* In connection with offer, etc., in commerce, of respondent's publications "Consumer's Research Reporter" and "Consumer's Automobile Reporter", or any other similar publications, and among other things, as in order set forth, representing, directly or by implication, (1) that respondent is an automotive expert or engineer, or that he is qualified to render authoritative opinions on the merits of automobiles; or (2) that respondent maintains any staff of experts or engineers in connection with his business; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, Consumer's Research Service, etc., Docket 4734, November 17, 1942]

§ 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Non-profit character:* § 3.6 (j) 10) *Advertising falsely or misleadingly—History of product or offering:* § 3.6 (n) *Advertising falsely or misleadingly—Nature—Product:* § 3.6 (p) *Advertising falsely or misleadingly—Patent or other rights.* In connection with offer, etc., in commerce, of respondent's publications "Consumer's Research Reporter" and "Consumer's Automobile Reporter", or any other similar publications, and among other things, as in order set forth, representing directly or by implication, (1) that the information given in respondent's publications is impartial; (2) that said information is based in whole or in part upon results obtained from polls of automobile owners or users; (3) that said publications are copyrighted; or (4) that said publications are "dedicated to the service of the public", or that respondent's business is anything other than a commercial enterprise; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45 b) [Cease and desist order, Consumer's Research Service, etc., Docket 4734, November 17, 1942]

In the Matter of Nathaniel Friedman, an Individual Trading and Doing Business Under the Names Consumer's Research Service and Consumer's Report Service

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 17th day of November, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence in support of and in opposition to the allegations of the complaint taken before a trial examiner of the Commission theretofore duly designated by it, report of the trial examiner upon the evidence, and brief in support of the complaint (no brief having been filed by respondent and oral argument not having been requested); and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, Nathaniel Friedman, individually and trading as Consumer's Research Service and as Consumer's Report Service, or trading under any other name, and his representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of respondent's publications designated "Consumer's Research Reporter" and "Consumer's Automobile Reporter," or any other publication of substantially similar character, do forthwith cease and desist from:

1. Using the word "Consumer" or "Consumers" as a part of respondent's trade name or as a part of the name or title of respondent's publications, or otherwise representing, directly or by implication, that respondent has any connection with the corporation known as Consumers' Research, Inc., of Washington, New Jersey, or that respondent's publications are the publications of said corporation.

2. Representing, directly or by implication, (a) that respondent is an automotive expert or engineer, or that he is qualified to render authoritative opinions on the merits of automobiles;

(b) that respondent maintains any staff of experts or engineers in connection with his business;

(c) that the information given in respondent's publications is impartial;

(d) that said information is based in whole or in part upon results obtained from polls of automobile owners or users;

(e) that said publications are copyrighted; or

(f) that said publications are "dedicated to the service of the public," or that respondent's business is anything other than a commercial enterprise.

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

By the Commission.
[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-12331; Filed, November 24, 1942;
10:46 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A-1682]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT No. 8

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 8 for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 8.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals

of certain mines in District No. 8, and for changes in shipping points; and Petitioner having moved to amend its original petition; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

Now therefore it is ordered, That the motion for leave to amend the original petition be and it hereby is granted and the original petition is deemed amended in accordance with motion filed on October 27, 1942.

It is further ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 328.11 (Alphabetical list of code members) is amended by adding thereto Supplement R, and § 328.34 (General prices for high volatile coals in cents per net ton for shipment into all market areas) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

NOTES.—The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 328, Minimum Price Schedule for District No. 8 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 328.11 Alphabetical list of code members—Supplement R

(Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown)

Mine Index No.	Code member	Mine name	High volatile seam	Subdistrict No.	Shipping point	Railroad	Freight Origin Group No.	Price classifications by size group No.													
								For destinations other than Great Lakes								For Great Lakes cargo only					
								1, 2, 3, 4, 5, 6, 7, 8	9	10	11, 12, 13, 14	15, 16, 17, 18	19, 20, 21, 22	23	24	25	26	27	28	29	30
5721	Adams, William	Adams	Hazard No. 4	3	Whitesburg, Ky.	L&N	100														
5723	Auxier, Ben (Auxier Mining Company)	Auxier Elkhorn	Elkhorn No. 3	1	Pikeville, Ky.	C&O	61														
5683	Big Sewanee Coal Co., c/o H. H. Bouney		Sewanee	6	Crab Orchard, Tenn.	T. C.	72														
5740	Boyd Coal Co., J. W. Ver-	Boyd Coal Co.	Widow Kan-	7	Swords Creek, Va.	N&W	30														
172	Brian Creek Black Band Coal Co.	Brian Creek	Black Band	4	Ace, W. Va.	KC	124														
5807	Dan's Branch Coal Com-	Dan's Branch	Winifrede	8	Nolan, W. Va.	N&W	130														
5702	Derrick, F. A.	Haley Mt. No. 3	Nelson	6	Crab Orchard, Tenn.	T. C.	72														
5725	Dobbs, Hastell	Hastell Dobbs	Faint Rock	5	Stanley Jet., Tenn.	Tenn.	71														
5072	Douglas, Jessie James	Pack	Bye Gem	6	Jelliso, Tenn.	L&N & Son.	113														

Footnotes at end of table.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate, or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

No relief is granted for the Frank Coker Mine (Mine Index No. 510) of the reason set forth in an order severing that portion of Docket No. A-1682 which relates to this mine and designating such portion as Docket No. A-1682, Part II.

The correct name and index number for the mine of W. T. Harvey is the Draper Mining Co., Mine Index No. 5210. Since the filing of the petition herein, R. D. Wagers has succeeded Floyd Wagers as operator of Mine Index No. 5690 and is accordingly listed as operator of this mine.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT No. 8

NOTES.—The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 328, Minimum Price Schedule for District No. 8 and supplements thereto.

The Hastell Dobbs mine of Hastell Dobbs is the correct name for Mine Index No. 5725 rather than Hastle Dobbs as proposed by petitioner.

No relief is granted Mine Index No. 5709 as price classifications have been established for this mine in General Docket No. 15 under Mine Index No. 545.

The correct freight origin group number for Mine Index No. 5515 is 130; for Mine Index No. 5720 is 210; and for Mine Index No. 2645 is 140, rather than the freight origin groups proposed by petitioner for these mines.

The price classifications and minimum prices set forth in the schedules attached are based upon price classifications and minimum prices in effect on October 1, 1942, for comparable and analogous coals and already reflect the changes, if any, made in minimum prices by the Acting Director's order of August 28, 1942, 7 F.R. 6943, in General Docket No. 21. Except as otherwise stated herein, the minimum prices in the attached schedules do not differ, except in this regard, from the minimum prices proposed by petitioner.

Dated: November 11, 1942.

[SEAL]
DAN H. WHEELER,
Director.

§ 328.11 Alphabetical list of code members—Supplement R—Continued

Mine Index No.	Code member	Mine name	High volatile seam	Subdistrict No.	Shipping point	Railroad	Freight Origin Group	Price classifications by size group No.																	
								For destinations other than Great Lakes																	
								1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
3723	F. & B. Coal Co. (W. S. Barley)	Gilley & Hillman	Blair	7	Norton, Va.	L&N & N&W ³	205	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
5722	Foster, Ed (Ed Foster Coal Company)	Foster	Kittanning	4	Bickmore, W. Va.	M'Creek	126	Q	Q	P	O	M	K	J	M	H	G	O	F	M	(*)	(*)	(*)	(*)	(*)
2013	Givens, Beecher & E. V. McCollum (E. V. McCollum)	Givens & McCollum	Sewanee	6	Crab Orchard, Tenn.	T. C.	72	P	P	M	L	K	J	M	H	G	O	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
5723	Goff Coal Company, Inc., c/o Henry Goff	Goff No. 1	Elkhorn	1	Shelby, Ky.	C&O	61	K	K	H	G	E	C	C	B	D	G	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
5715	Greene, A. M.	Wilton-Jellico No. 57	Jellico	6	Woodbine, Ky.	L&N	111	O	O	J	H	G	E	G	E	F	K	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
5716	Greene, A. M.	Wilton-Jellico No. 58	Jellico	6	Woodbine, Ky.	L&N	111	O	O	J	H	G	E	G	E	F	K	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
5717	Greene, A. M.	Wilton-Jellico No. 59	Jellico	6	Woodbine, Ky.	L&N	111	O	O	J	H	G	E	G	E	F	K	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
4210	Harvey, W. T.	Draper Mining Co	Eagle	5	Draper Sliding, Logan, W. Va.	C&O	130	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
3808	Hensley, Shelby	Hensley No. 1	Straight Creek	6	Pineville, Ky. ³	L&N	111	P	P	M	L	K	J	M	H	G	O	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
5061	Isoline Mining Co. (W. C. Bates)	Isoline Mining Co.	Isoline	6	Crossville, Tenn.	T. C.	72	P	P	M	L	K	J	M	H	G	O	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
5315	Junior Red Ash Coal Company (Marshall Whaley, Jr.)	Helen J.	Douglas	8	Hull, W. Va.	N&W	130	H	H	D	C	A	A	A	A	A	F	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
591	Kanawha & Hocking Coal & Coke Company	No. 106	No. 5 Block	4	Mammoth, W. Va. ⁴	K. C.	120	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
275	Kelley's Creek Chillery Company	No. 2 & 6	Lewiston	4	Ward, W. Va. ⁴	KC&NW	125	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
5720	L. & W. Coal Company (W. H. Wall)	L. & W. Coal Mine	Sewanee	6	Monterey, Tenn.	T. C.	210	P	P	M	L	K	J	M	H	G	O	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
5711	Litwa Coal Company	Litwa 1A	Little Eagle	8	Panther, W. Va.	N&W	130	L	L	F	E	E	C	E	A	A	A	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
4069	Litwa Coal Company, The	Matthias	Elkhorn No. 2	1	Drift, Ky.	C&O	61	M	M	K	J	E	G	E	G	D	D	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
5679	Miller, A. C.	Nettie Coal Co.	Whitesburg	3	Whitesburg, Ky.	L&N	100	P	P	M	L	K	J	M	H	G	O	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
5695	Miller & Bowman (E. W. Miller)	No. 4	Bon Air No. 2	6	Okey City, Tenn.	T. C.	210	Q	Q	P	O	M	K	J	M	H	G	O	(*)	(*)	(*)	(*)	(*)	(*)	(*)
5704	Mountain State Coal Company (The S. E. Foote)	Osborne Branch	No. 5 Block	4	Bickmore, W. Va.	M'Creek	126	Q	Q	P	O	M	K	J	M	H	G	O	(*)	(*)	(*)	(*)	(*)	(*)	(*)
417	Panther Coal Company, Inc.	Rose Ann	Clintonwood	8	Home Creek, Va. ¹	N&W	130	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
677	Panther Coal Company, Inc.	Roseann	Splash Dam	8	Home Creek, Va. ¹	N&W	130	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
5681	Potter John	Red Diamond	Elkhorn No. 2	1	Shelby Gap, Ky.	C&O	61	K	K	H	G	E	C	C	B	D	G	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
5289	Rewe, Roland (Levis River Coal Company)	Levis River	Upper Elk-horn	1	Conaway, Va. ¹	N&W	130	P	P	M	L	K	J	M	H	G	O	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
5379	Ruffner, John	No. 2	Sewanee	6	Crab Orchard, Tenn.	T. C.	72	P	P	M	L	K	J	M	H	G	O	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
5656	Sowards Elkhorn Coals, Incorporated	Sowards No. 2	Elkhorn No. 3	1	Robinson Creek, Ky.	C&O	61	K	K	H	G	E	C	C	B	D	G	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
5757	Utilities Elkhorn Coal Company	Boldman No. 5	Elkhorn No. 1	1	Boldman, Ky.	C&O	61	H	H	H	G	E	C	E	B	O	G	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
5713	Van Buren Coal & Lumber Company	Rogers Creek	Sewanee	6	Crossville, Tenn.	T. C.	72	P	P	M	L	K	J	M	H	G	O	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
2645	Witherspoon, J. L. (Jordan Mining Company)	Jordan	Jellico	6	Roosevelt, Tenn.	L&N	140	E	E	D	C	C	C	E	B	C	G	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)

¹ Denotes new shipping point. Shipping point at Oloott, W. Va., shall no longer be applicable.
² Denotes new railroad and Freight Origin Group. Freight Origin Group No. 206 shall no longer be applicable.
³ Denotes new shipping point. Shipping point at Hanby, Ky., shall no longer be applicable.
⁴ Mine Index No. 428, originally assigned to this mine, shall no longer be applicable.
⁵ Denotes change in shipping point from Conaway, Ky., shown in Docket No. A-1283.

⁶ Denotes new shipping point. Shipping point at Cedar Grove, W. Va., shall no longer be applicable.
⁷ Denotes new shipping point. Shipping point at Ratt Siding, Va., shall no longer be applicable.
⁸ Denotes new shipping point. Shipping point at Roseann, Va., shall no longer be applicable.
⁹ Indicates previously classified these size groups.
¹⁰ Indicates no classification effective for these size groups.

§ 328.34 General prices for high volatile coals in cents per net ton for shipment into all market areas—Supplement T—Continued

Code member index	Mine	Mine index No.	Seam	Base sizes							
				Lump over 24" Egr	Lump 24" & Under, Egr 3' x 6"	Lump 34" & Under, Egr 2' x 4"	Egr 2' x 4" Egr	Stove 24" & Under, Nut 2' & Under, Egr	Stairlight Mine	2' & Under Slack	3/4" & Under Slack
SUBDISTRICT No. 6—SOUTHERN APPALACHIAN—CON.											
KNOX COUNTY, KY.											
Greene, A. M.	Wilton-Jalisco No. 57.	5715	Jalisco	275	255	245	245	235	235	175	170
Greene, A. M.	Wilton-Jalisco No. 59.	5717	Jalisco	275	255	245	245	235	235	175	170
LAUREL COUNTY, KY.											
Bryant, Joe R.	Pine Hollow	5694	Peacock	255	255	240	240	235	230	175	170
WHITLEY COUNTY, KY.											
Greene, A. M.	Wilton-Jalisco No. 58.	5716	Jalisco	275	255	245	245	235	235	175	170
CUMBERLAND COUNTY, TENN.											
Big Sewanee Coal Co., c/o H. B. Isoline Mining Co. (W. C. Rates).		5683	Sewanee	270	250	225	230	205	215	155	150
Isoline Mining Co. (W. C. Rates).		5691	Isoline	270	250	225	230	205	215	155	150
Van Buren Coal & Lumber Company.		5713	Sewanee	270	250	225	230	205	215	155	150
MOBAGAN COUNTY, TENN.											
Emory River Lumber Company, The.	Flat Fork	5742	Glen Mary	275	255	245	250	225	235	180	160
OVERTON COUNTY, TENN.											
L. & W. Coal Company (W. H. Wall).	L. & W. Coal Mine, No. 4.	5723	Sewanee	270	250	225	230	205	215	155	150
Miller & Bowman (E. W. Miller).		5695	Bon Air No. 2	270	250	225	230	205	215	155	150
SCOTT COUNTY, TENN.											
Dobbs, Hastell	Hastell Dobbs	5725	Paint Rock	275	255	235	230	220	225	175	170
SUBDISTRICT No. 7—VIRGINIA											
RUSSELL COUNTY, VA.											
Boyd Coal Co. (J. W. Vernon)	Boyd Coal Co.	5740	Widow Kennedy	295	275	240	260	245	230	175	170
SUBDISTRICT No. 8—WILLIAMSON											
M'DOWELL COUNTY, W. VA.											
Junior Red Ash Coal Company (Marshall Wileley, Jr.).	Helen J.	5515	Douglas	305	285	255	270	245	245	195	190
Litwar Coal Company.	Litwar 1A	5711	Little Eagle	290	270	255	260	235	245	220	215
MINGO COUNTY, W. VA.											
Dan's Branch Coal Company	Dan's Branch	5697	Winifrede	310	290	230	255	225	230	175	170

*Mine Index No. 428, originally assigned to this mine, shall no longer be applicable.
 *Indicates previously classified these size groups.

[F. R. Doc. 42-12296; Filed, November 23, 1942; 12:37 p. m.]

§ 328.34 General prices for high volatile coals in cents per net ton for shipment into all market areas—Supplement T

Code member index	Mine	Mine index No.	Seam	Base sizes							
				Lump over 24" Egr	Lump 24" & Under, Egr 3' x 6"	Lump 34" & Under, Egr 2' x 4"	Egr 2' x 4" Egr	Stove 24" & Under, Nut 2' & Under, Egr	Stairlight Mine	2' & Under Slack	3/4" & Under Slack
SUBDISTRICT No. 1—BIG SANDY—ELKHORN											
LAWRENCE COUNTY, KY.											
Hinkle, Lefe S.	Hinkle	5705	Peach Orchard	285	265	230	240	225	230	170	165
McKinster, Earl	Mrs. Hayes	5684	McHenry	285	265	230	240	225	230	170	165
PIKE COUNTY, KY.											
Auxier, Ben (Auxier Mining Co. (auxier))	Auxier Elkhorn	5736	Elkhorn No. 3	295	275	240	250	235	230	190	185
Goof, Henry	Goof No. 1	5723	Elkhorn	295	275	240	250	235	230	190	185
Low, K. Y.	Low	5740	Elkhorn No. 3	295	275	240	250	235	230	190	185
Potter, John	Red Diamond	5681	Elkhorn No. 2	295	275	240	250	235	230	190	185
Sowards, Elkhorn Coals, Incorporated.	Sowards No. 2	5656	Elkhorn No. 3	295	275	240	250	235	230	190	185
Utilities Elkhorn Coal Company.	Boldman No. 5	5757	Elkhorn No. 1	295	275	240	250	235	230	190	185
SUBDISTRICT No. 2—HARLAN											
HARLAN COUNTY, KY.											
Day & Creesh (Sol Day)	Creesh	5710	Harlan	290	270	245	250	230	235	195	190
Turner, D. B.	Turner	5696	Harlan	290	270	245	250	230	235	195	190
SUBDISTRICT No. 3—HAZARD											
LETCHER COUNTY, KY.											
Adams, William	Adams	5721	Hazard No. 4	285	265	240	240	225	230	175	170
Miller, A. C.	Nettie Coal Co.	5679	Whitesburg	285	265	240	240	225	230	175	170
WOLFE COUNTY, KY.											
Rose, Fred	Rose No. 10	5701		285	265	230	240	225	220	170	165
SUBDISTRICT No. 4—KANAWHA											
CLAY COUNTY, W. VA.											
Foster, Ed (Ed Foster Coal Company).	Foster	5722	Kittanning	265	245	220	225	200	220	165	160
Mountain State Coal Company, The (S. E. Foote).	Osborne Branch	5704	No. 5 Block	265	245	220	225	200	220	165	160
SUBDISTRICT No. 5—LOGAN											
LOGAN COUNTY, W. VA.											
Harvey, W. T.	Draper Mining Co #210 Eagle	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
SUBDISTRICT No. 6—SOUTHERN APPALACHIAN											
BELL COUNTY, KY.											
Dark Ridge Fuel Co. (E. A. Ward).	Dark Ridge	5726	Barnet	305	285	240	260	235	230	175	170
CLAY COUNTY, KY.											
Wagers, R. D.	No. 3	5690	Horse Creek	285	265	240	240	225	230	175	170

[Docket No. A-1710]

PART 340—MINIMUM PRICE SCHEDULE,
DISTRICT No. 20

ORDER GRANTING RELIEF, ETC.

Order granting temporary relief and conditionally providing for final relief in the matter of the petition of District Board No. 20 for the establishment of price classifications and minimum prices for the coals of the No. 1 mine of the Southern Utah Fuel Co.

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of the No. 1 Mine (Mine Index No. 200) of the Southern Utah Fuel Co., for truck shipments; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 340.4 (*Code member price index*) is amended by adding thereto Supplement T-I, and § 340.21 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T-II, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

The price classifications and minimum prices set forth in the attached schedule marked Supplement T-I and T-II are based upon the price classifications and minimum prices in effect on October 1, 1942, for comparable and analogous coals and reflect the changes, if any, made in minimum prices by the Acting Director's order of August 28, 1942, 7 F.R. 6943, in General Docket No. 21.

Dated: November 10, 1942.

[SEAL]

DAN H. WHEELER,
Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE PRICES FOR DISTRICT No. 20

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 340, Minimum Price Schedule for District 20, and supplements thereto.

FOR TRUCK SHIPMENTS

§ 340.4 *Code member price index*—Supplement T-I. Insert the following listing in proper alphabetical order under Code Member Index:

The following price classification and minimum prices shall be inserted in Minimum Price Schedule for District No. 20:

Producer	Mine	Mine index No.	County	Subdistrict price group	Prices	
					Rail	Truck
Southern Utah Fuel Co.....	No. 1....	200	Sevier....	1	§ 340.21

§ 340.21 *General prices in cents per net ton for shipment into all market areas*—Supplement T-II. Insert the following code member name, mine name, mine index number and county, under Subdistrict No. 1, and the following minimum f. o. b. mine prices in cents per net ton:

Code member mine	Mine index No.	County	Size groups														
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Southern Utah Fuel Co., No. 1.	200	Sevier...	361	321	306	286	291	231	206	166	156	126	116	91	211	181	156

[F. R. Doc. 42-12297; Filed, November 23, 1942; 12:37 p. m.]

TITLE 31—MONEY AND FINANCE:
TREASURY

Chapter II—Fiscal Service

Subchapter B—Bureau of the Public Debt

[1942, 1st Am. to Dept. Circ. 530]

PART 315—REGULATIONS GOVERNING
UNITED STATES SAVINGS BONDS

NOVEMBER 23, 1942.

Sections 315.10, 315.29, and 315.35 of Department Circular No. 530, Fifth Revision, dated June 1, 1942 (7 F.R. 5158), are hereby revised to read as follows:¹

§ 315.10 *Calculation of amount*. In computing the amount of savings bonds of any one series issued during any one calendar year held by any one person at any one time for the purpose of determining whether the amount is in excess of the authorized limit as set forth in the next preceding section, the following rules shall govern:

(a) The holdings of each person, as defined in the next preceding section, individually and in a fiduciary capacity, shall be computed separately.

(b) In the case of bonds of Series A, B, C, D and E, the computation shall be based upon maturity values. In the case

¹ The following sections, as amended, are prescribed under the authority of R.S. 161 (U.S.C. title 5, sec. 22), The Second Liberty Bond Act, as amended, and The Public Debt Act of 1941.

of bonds of Series F and G, the computation shall be based upon issue prices.

(c) There must be taken into account (1) all bonds originally issued to and registered in the name of that person alone; (2) all bonds originally issued to and registered in the name of that person as a coowner or reissued to add his name as coowner under the provisions of § 315.29 (a), or to designate him as coowner instead of as a beneficiary under the provisions of § 315.35 hereof: *Provided, however*, That with respect to bonds of Series E held in coownership form, the amount thereof may be applied to the holdings of either of the co-owners, but will not be applied to both, or the amount may be apportioned between them; and (3) all bonds acquired by him before March 1, 1941, upon the death of another or the happening of any other event.

(d) There need not be taken into account (1) bonds of which that person is merely the designated beneficiary; (2) those in which his interest is only that of a beneficiary under a trust; or (3) those to which he is entitled as an heir or legatee of the deceased registered owner, or by virtue of the termination of a trust or the happening of any other event unless he became entitled to any such bonds in his own right before March 1, 1941.

(e) Nothing herein contained shall be construed to invalidate any holdings within, or, except as provided in paragraph (c) above, to validate any holdings

in excess of, the authorized limits, as computed under the regulations in force at the time such holdings were acquired.

§ 315.29 Reissue for certain purposes. A savings bond of any series registered in the name of one person in his own right, or to which one person is shown to be entitled in his own right under these regulations, may be reissued upon appropriate request for the following purposes:

(a) *Addition of coowner.* Reissue in the name of the owner with that of another natural person as coowner, provided that bonds reissued in accordance with this subsection will be considered for the purposes of computation of holdings under Subpart D of these regulations as originally issued in both names and no reissue will be effective which results in any one person holding bonds in excess of the established limitation for the series to which the bonds belong. Requests for reissue under this subsection should be made on Form PD 1762.

(b) *Addition of a beneficiary.* Reissue in the name of the owner with the name of another natural person as designated beneficiary. Applications for reissue under the provisions of this subsection should be made on Form PD 1077.

(c) *Reissue in living trust.* Reissue in the name of a trustee of a living trust created by the registered owner, after the original issue date of the bond, for his benefit in whole or in part, during his lifetime whether or not containing an absolute power of revocation in the grantor; but such reissue will be allowed only in the case of bonds of those series which may be originally issued in the name of a trustee.

§ 315.35 Reissue during the lifetime of registered owner. A bond registered in the name of one person payable on death to another may be reissued, on the duly certified request of the registrant owner, to name a beneficiary designated on the bond as coowner subject to the same restrictions and conditions contained in § 315.29 (a). A bond may also be reissued upon the duly certified request of the registered owner, together with the duly certified consent of the designated beneficiary, to eliminate such beneficiary or to substitute another person as beneficiary, or to name another person as coowner. Requests should preferably be made upon the forms provided for such purpose.

HENRY W. MORGENTHAU,
Secretary of the Treasury.

[F. R. Doc. 42-12327; Filed, November 23, 1942;
4:26 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

PART 623—CLASSIFICATION PROCEDURE

[Amendment 102, 2d Ed.]

FAILURE TO HAVE NOTICE OF CLASSIFICATION IN PERSONAL POSSESSION

By authority vested in me as Director of Selective Service under 54 Stat. 885; 50 U.S.C., Sup. 301-318, inclusive; E.O.

No. 8545, 5 F.R. 3779, Selective Service Regulations, second edition, are hereby amended in the following respect:

1. Amend the regulations by adding a new section to be known as § 623.61-1 to read as follows:

§ 623.61-1 Effect of failure to have Notice of Classification (Form 57) in personal possession. Every person required to present himself for and submit to registration and who is within any age group of persons who have been liable for training and service for six months under selective service law must have in his personal possession at all times, in addition to his Registration Certificate (Form 2), a valid Notice of Classification (Form 57) issued to him showing his current classification. Upon request, such person must exhibit such Notice of Classification (Form 57) to any law-enforcement officer, any representative of the Secretary of State, any representative of the Secretary of Treasury, any official of National Headquarters for Selective Service, any official of a State Headquarters for Selective Service, any member of a local board or board of appeal, any government appeal agent, and any other official designated by the Director of Selective Service, and, upon entering active service in the armed forces, such person must surrender such Notice of Classification (Form 57) to his commanding officer who will dispose of it in accordance with the current orders of his service.

2. Amend the regulations by adding a new section to be known as § 623.61-2 to read as follows:

§ 623.61-2 Wrongful possession of, or making, altering, forging, or counterfeiting Notice of Classification prohibited. It shall be a violation of these regulations for any person to have in his possession a Notice of Classification (Form 57) issued to some other person, or to permit a Notice of Classification (Form 57) issued to him to be in the possession of any other person, except as provided in the instructions upon such forms; or to falsely make, alter, forge, or counterfeit, or cause or procure to be falsely made, altered, forged, or counterfeited, or to willingly aid or assist another to falsely make, alter, forge, or counterfeit, any Notice of Classification (Form 57); or to utter or publish as true, or cause to be uttered or published as true, or have in his possession with the intent to utter or publish as true, any such false, altered, forged, or counterfeited Notice of Classification (Form 57); or to exhibit or present to any person any such false, altered, forged, or counterfeited Notice of Classification (Form 57) knowing the same to be false, forged, altered, or counterfeited.

3. Amend the regulations by adding a new section to be known as § 623.61-3 to read as follows:

§ 623.61-3 Issuing a duplicate of a lost, mislaid, stolen, or destroyed Notice of Classification. A duplicate Notice of Classification (Form 57) may be issued to a registrant only by the local board which mailed the original Notice of Classifi-

cation (Form 57) to the registrant upon written application made on Duplicate Classification Request (Form 61) and the presentation of proof satisfactory to the local board that the Notice of Classification (Form 57) of the registrant has been lost, mislaid, stolen, or destroyed and that the registrant has made a diligent search for the Notice of Classification (Form 57), and has been unable to find it. If the local board issues a duplicate Notice of Classification (Form 57), it shall mark it "Duplicate" and note the issuance of such Notice of Classification (Form 57) upon the application, which shall be filed in the registrant's Cover Sheet (Form 53).

4. The foregoing amendments to the Selective Service Regulations shall be effective January 1, 1943.

LEWIS B. HERSHEY,
Director.

NOVEMBER 23, 1942.

[F. R. Doc. 42-12329; Filed, November 24, 1942;
10:19 a. m.]

Chapter IX—War Production Board

Subchapter B—Director General for Operations

PART 1010—SUSPENSION ORDERS

[Amendment 1 to Suspension Order S-121]

COFFEE CORPORATION OF AMERICA

Section 1010.121 Suspension Order S-121, issued October 22, 1942, is hereby amended to read as follows:

(a) During each of the calendar months of December 1942, January 1943, and February 1943, deliveries of coffee by Coffee Corporation of America, its successors and assigns, shall not exceed 151,833 pounds, except as specifically authorized by the Director General for Operations.

(b) The restrictions contained in paragraph (a) hereof shall not apply to deliveries by Coffee Corporation of America, its successors and assigns, to any hospital, asylum, orphanage, prison, or other similar institution which is operated by any United States federal, state, or local governmental agency, and which received coffee during 1941 under contracts awarded upon the basis of competitive bids.

(c) Nothing contained in this order shall be deemed to relieve Coffee Corporation of America from any restriction, prohibition, or provision contained in any other order or regulation of the Director of Industry Operations or the Director General for Operations, except in so far as the same may be inconsistent with the provisions hereof.

(d) This amendment shall become effective December 1, 1942.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 23d day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-12300; Filed, November 23, 1942;
3:45 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-151]

CHARLES MANOOG, INC.

Charles Manoog, Inc., is a Massachusetts corporation, with its principal place of business at 53 Chandler Street, Worcester, Massachusetts. It is a wholesale dealer in plumbing supplies, and is a warehouse as defined in General Preference Order M-9-a.

During the period from February 24, 1942 to July 16, 1942, the company made deliveries of approximately 10,000 feet of copper tubing and of other products to fill sixty-four wholesale orders which carried no preference ratings, notwithstanding the fact that the company had actual knowledge of the prohibition placed upon such deliveries by General Preference Order M-9-a. These deliveries constituted a wilful violation of General Preference Order M-9-a.

During the course of the investigation of this corporation, it was discovered that the company had arranged to liquidate its entire stock of merchandise to a New York interest. Delivery under this arrangement was prevented by a temporary Suspension Order issued by the War Production Board.

These violations of General Preference Order M-9-a have impeded and hampered the war effort of the United States by diverting scarce materials for uses not authorized by the War Production Board. In view of the foregoing facts, *It is hereby ordered, That:*

§ 1010.151 *Suspension Order No. S-151.* (a) Charles Manoog, Inc., its successors and assigns, shall not accept delivery of copper, copper base alloys, copper products, or copper base alloy products.

(b) Charles Manoog, Inc., its successors and assigns, shall not sell, transfer, or otherwise dispose of any material specified in the Metals List attached to Priorities Regulation No. 11, except in accordance with all of the applicable orders and regulations of the War Production Board and except upon the written authorization of the Compliance Chief of the Boston Regional Office, War Production Board.

(c) On or before December 5, 1942, Charles Manoog, Inc., shall file with the Boston Regional Office, War Production Board, a full and complete list of its entire inventory, specifying in reasonable detail the various items constituting such inventory and the quantities and amounts thereof.

(d) Nothing contained in this order shall be deemed to relieve Charles Manoog, Inc., of any restriction, prohibition, or provision contained in any other order or regulation of the Director of Industry Operations or the Director General for Operations, of the War Production Board, except in so far as the same may be inconsistent with the provisions hereof.

(e) This order shall take effect on November 26, 1942, and shall expire on December 1, 1943.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125,

7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 23rd day of November 1942.

ERNEST KANZLER,

Director General for Operations.

[F. R. Doc. 42-12301; Filed, November 23, 1942; 3:45 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-155]

FARGO FOUNDRY COMPANY

Fargo Foundry Company of Fargo, North Dakota, is a general machine works dealing in structural steel. Between March 23, 1942, and May 19, 1942, Fargo Foundry Company sold and delivered steel storage tanks with capacities in excess of 65 gallons, without priority ratings, knowing that said tanks were intended for uses not permitted by the terms of Conservation Order M-68-c. These acts constituted wilful violations of Conservation Order M-68-c.

These acts have impeded and hampered the war effort of the United States by diverting scarce materials to uses not authorized by the War Production Board. In view of the foregoing, *It is hereby ordered:*

§ 1010.155 *Suspension Order S-155.* (a) Deliveries of material to Fargo Foundry Co., its successors and assigns, shall not be accorded priority over deliveries under any other contract or order and no preference rating shall be assigned or applied to such deliveries by means of preference rating certificates, preference rating orders, general preference orders, or any other order or regulation of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(b) No allocation shall be made to the Fargo Foundry Company, its successors and assigns, of any material the supply or distribution of which is covered by any order of the Director of Industry Operations or the Director General for Operations, except as specifically authorized by the Director General for Operations.

(c) Nothing contained in this order shall be deemed to relieve the Fargo Foundry Company, its successors and assigns, from any restriction, prohibition, or provision contained in any order or regulation of the Director of Industry Operations or the Director General for Operations, whether now in force or hereafter issued, except in so far as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on November 25, 1942, and shall terminate on February 25, 1943, after which later date it shall have no further force and effect.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 23d day of November 1942.

ERNEST KANZLER,

Director General for Operations.

[F. R. Doc. 42-12302; Filed, November 23, 1942; 3:45 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-156]

HOMES OIL COMPANY

The Homes Oil Company of Washington, D. C., a single proprietorship owned and operated by Jacob and Minerva Homes, is engaged in the marketing of motor fuel. During the months of April, May and June 1942 the Homes Oil Company made deliveries of motor fuel to seven service stations owned or leased and operated by it in excess of the amounts permitted to be so delivered in accordance with the provisions of Limitation Order L-70. The total over-deliveries of motor fuel to these seven stations during the month of April 1942 was 25,990 gallons, during the month of May 1942 was 68,862 gallons and during the month of June 1942 was 124,182 gallons. The total over-deliveries of motor fuel during these three months was 219,034 gallons. Computed by percentages, the Homes Oil Company delivered to the seven service stations during the month of April 1942 thirty-eight per cent in excess of the L-70 quota, and during the month of June 1942 two hundred and twenty per cent in excess of the quota. The average of the deliveries during these three months was one hundred and nineteen per cent in excess of the L-70 quota.

While the over-deliveries of motor fuel were being made during those three months and during the month of July 1942, the Homes Oil Company was fully aware of the provisions of Limitation Order L-70 governing the amount of motor fuel which could be delivered to each of its service stations, but, nevertheless, it made no attempt to establish quotas or to correct the excess of deliveries. Furthermore, the Homes Oil Company was aware of the fact that its deliveries of motor fuel to the seven stations were increasing during those months, rather than decreasing as the deliveries should have under the terms of Limitation Order L-70. These over-deliveries of motor fuel, therefore, were made in wilful violation of the provisions of Limitation Order L-70.

These violations of Limitation Order L-70 have impeded and hampered the war effort of the United States by diverting motor fuel to uses unauthorized by the War Production Board. In view of the foregoing facts: *It is hereby ordered, That:*

§ 1010.156 *Suspension Order S-156.* (a) Jacob and Minerva Homes, doing business as the Homes Oil Company, or under any other name, jointly or separately, their lessees, successors and assigns, shall not accept delivery at the service stations listed below or at any other service station now or hereafter owned, operated, or leased by them of any motor fuel as the same is defined in Limitation Order L-70:

Station #1, 488 Maryland Ave. S.W., Washington, D. C.
 Station #2, 1100 Maryland Ave. S.W., Washington, D. C.
 Station #3, 1700 Benning Rd. N.E., Washington, D. C.
 Station #4, 940 G Street S.W., Washington, D. C.
 Station #5, 1400 Florida Ave. N.E., Washington, D. C.
 Station #6, 1161 20th Street N.W., Washington, D. C.
 Station #9, 6223 Blair Rd. N.W., Washington, D. C.

(b) No person shall deliver any motor fuel as the same is defined in Limitation Order L-70 to the service stations listed in paragraph (a), or to any other service station now or hereafter owned, leased or operated by Jacob and Minerva Homes, doing business as the Homes Oil Company or under any other name, jointly or separately, except as specifically authorized by the Director General for Operations.

(c) Nothing contained in this order shall be deemed to relieve Jacob and Minerva Homes, doing business as the Homes Oil Company, or under any other name, jointly or separately, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board except in so far as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on November 25, 1942 and shall expire on March 25, 1943, at which time the restrictions contained in this order shall be of no further effect.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 23d day of November 1942.

ERNEST KANZLER,
 Director General for Operations.

[F. R. Doc. 42-12303; Filed, November 23, 1942; 3:45 p. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S-157]

ESTATES, INC., AND J. F. WADKINS CORPORATION

Estates, Inc., and J. F. Wadkins Corporation are California corporations engaged in the business of building and selling houses in the vicinity of the City of Los Angeles, State of California.

After April 9, 1942, Estates, Inc., and J. F. Wadkins Corporation began construction of thirty-six houses located in Tract No. 12582 in Gardena, California, and planned to erect an additional 44 houses. The estimated cost of construction of each of these houses was far in excess of \$500.00. Such construction was begun in disregard of the provisions of Conservation Order L-41, and constituted wilful violations of that order.

These violations of Conservation Order L-41 have hampered and impeded the war effort of the United States by diverting scarce materials to uses prohibited by

the War Production Board. In view of the foregoing facts, it is hereby ordered, That:

§ 1010.157 *Suspension Order S-157.*
 (a) The application heretofore filed by Estates, Inc., and J. F. Wadkins Corporation for authorization to begin construction of 80 residential buildings in Tract No. 12582 in Gardena, California, shall not be granted by the War Production Board in the case of any of said buildings other than those located on the following lots of said Tract: Lots Nos. 74, 173 to 197, inclusive, and 212 to 221, inclusive.

(b) For a period of six months from the effective date of this order, no application for authorization to begin construction of any house, building, structure or project filed by Estates, Inc., or J. F. Wadkins Corporation shall be granted by the War Production Board, except in connection with the residential buildings on the lots specified in paragraph (a) hereof.

(c) This order shall take effect on November 28, 1942, and shall continue in effect until revoked.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 23d day of November 1942.

ERNEST KANZLER,
 Director General for Operations.

[F. R. Doc. 42-12304; Filed, November 23, 1942; 3:45 p. m.]

PART 1001—TIN

[Conservation Order M-43-a as Amended Nov. 24, 1942]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of Tin for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1001.2 *Conservation Order M-43-a—*
 (a) *Prohibitions on use of tin in items appearing on List A.* No tin shall be used in the manufacture of any item appearing on List A.

(b) *Limitations on other uses of tin—*
 (1) *General restrictions.* From April 1 to June 30, 1942, inclusive, no person shall use in the manufacture of any article not on List A more than 40% of the amount of tin used by him in the manufacture of such article during the corresponding calendar quarter of 1940, and beginning July 1, 1942, no person shall in any calendar quarter use in the manufacture of any article not on List A more than 30% of the amount of tin used by him in the manufacture of such article during the corresponding calendar quarter of 1940. Each person shall fill orders for repair and replacement parts for articles not on List A in preference to orders for complete articles whenever the

provisions of this paragraph (b) (1) prevent him from doing both.

(2) *Special restrictions.* In addition to the limitation contained in paragraph (b) (1), hereafter no person shall, unless specifically authorized by the Director General for Operations:

(i) Use tin in the manufacture of any article where or beyond the extent to which the use of any substitute material is practicable, or use virgin tin in the manufacture of any article where or beyond the extent to which the use of secondary tin metal is practicable;

(ii) Manufacture or use any tin alloy (other than solder) having a tin content of more than 12% by weight;

(iii) Manufacture or use any solder having a tin content of more than 30% of weight provided that:

(a) Solder having a tin content of not more than 40% of weight may be manufactured or used for the repair of gas meters;

(b) Until September 1, 1942, wiping solder having a tin content of not more than 38% by weight may be manufactured or used;

(c) From September 1, 1942, until January 1, 1943, wiping solder having a tin content of not more than 38% by weight may be manufactured or used for the installation or repair of lead water service pipes operated by a public utility.

(iv) Manufacture any material having a tin content of more than 7½% by weight for use in collapsible tubes;

(v) Use any virgin tin in the manufacture or treating of type metal;

(vi) Manufacture any terne metal except for use as permitted by the provisions of Supplementary Order M-21-e.

(vii) Manufacture or use any tin oxide notwithstanding any provision in General Preference Order M-43, as amended.

(viii) On and after December 1, 1942, manufacture or use for coating foundry chaplets any tin alloy having a tin content of more than 5% by weight.

(3) *Restrictions on manufacturing jewelers.* No manufacturing jeweler shall for the purpose of manufacturing jewelry, emblems, insignia, personal ornaments, ornamental fittings, jewelry findings or jewelry chains, or any component parts thereof, fabricate, assemble, melt, cast, extrude, roll, turn, spin, coat or process in any other way, or in any way change the form of or add or solder any metal to, any tin metal or tin bearing material to which no other metal had been added or soldered by February 14, 1942.

(c) *Exceptions—*(1) *Exceptions to paragraph (b) (1) only.* Where and to the extent the use of any substitute material is impracticable, the provisions, limitations, and restrictions contained in paragraph (b) (1) shall not apply:

(i) To the manufacture of any product which is being produced with the assistance of a preference rating order or certificate issued or extended to the manufacturer, which assigns a rating of A-1-k or higher; or

(ii) To bearing metal which is being produced with the assistance of a preference rating order or certificate issued or extended to the manufacturer, which assigns a rating of A-3 or higher;

(iii) To the production of tin plate andterne plate as permitted under the provisions of Supplementary Order M-21-e.

(iv) To the use of solder (as limited in tin content by paragraph (b) (2) (iii)) for cans and containers within the provisions and limitations of Conservation Orders M-81 and M-86.

(2) *Exceptions to paragraphs (b) (1) and (b) (2).* The prohibitions, limitations, and restrictions contained in paragraphs (b) (1) and (b) (2) shall not apply:

(i) To the manufacture of "implements of war", as hereinafter defined, which are being produced for purchase by or for the account of the Army or Navy of the United States, the United States Maritime Commission, or the Coast Guard, where the use of tin to the extent employed is required by the specifications (including performance specifications) of the Army or Navy of the United States, the United States Maritime Commission or the Coast Guard applicable to the contract, sub-contract or purchase order.

"Implements of war" means:

(a) Combat end products, complete for tactical operations, including but not limited to, aircraft, ammunition, armament and weapons, ships, tanks, vehicles;

(b) Individual and organizational equipment prescribed for field or combat use by the Army or Navy of the United States, the Coast Guard, or the United States Maritime Commission;

(c) Parts, assemblies and materials to be physically incorporated in any of the foregoing items.

(ii) To the manufacture or use of tinned wire for the packaging of food for human consumption, where such wire will be in direct contact with the food packaged, but only to the extent that any substitute for tin is impracticable;

(iii) To the manufacture of health supplies as defined in Preference Rating Order P-28, as the same may be amended, to the extent a preference rating of A-10 or higher is assigned under said order to deliveries of tin (excluding tin collapsible tubes except as permitted by Conservation Order M-115) for the manufacture of any such supplies;

(iv) To the manufacture or use of collapsible tubes as permitted by the provisions of Conservation Order M-115.

(v) To the use of secondary tin metal in plates and type metal for the printing, publishing and related service industries: *Provided*, That beginning July 1, 1942, the amount of secondary metal so used by any person during any calendar quarter shall be limited to 75% of the amount used by him for such purposes during the corresponding calendar quarter of 1940;

(vi) To the use of solder or solder foil in the preparation and manufacture of printing plates: *Provided*, That the tin content of such solder and solder foil, respectively, shall be limited to 30% by weight; *And provided further*, That beginning July 1, 1942, no person shall use more solder or solder foil for such purposes during any calendar quarter than

75% of the quantities, respectively, so used by him during the corresponding calendar quarter of 1940;

(vii) To the use of soft babbitt foil for the preparation of industrial metallic packings: *Provided*, That the tin content of such foil shall not exceed 1.5% by weight; *And provided further*, That no person shall use more soft babbitt foil for such purposes during any calendar quarter than the quantity so used by him during the corresponding calendar quarter of 1941;

(viii) To the manufacture of measuring, recording and control instruments, systems or equipment for use in industrial processes, such as pyrometers, flow meters, pressure gauges, gas analyzers and their associated control valves, but only to the extent that the use of any substitute material is impracticable;

(ix) To the reuse of remelt bearing metal originating in the user's own plant: *Provided*, That no virgin tin or secondary tin shall be added thereto;

(x) To the manufacture of detonators and blasting caps (including electric blasting caps) and necessary parts and accessories therefor, to be used in mining, quarrying and oil drilling operations;

(xi) To the manufacture or use of babbitt for repair, maintenance or replacement purposes in existing diesel engines: *Provided*, That the design of any such engine makes the substitution of lead base babbitt impossible;

(xii) To the retinning of any of the dairy implements specified on Exhibit No. 1 annexed to this order, to the extent indicated thereon: *Provided, however*, That the quantity of tin used for such purposes by any person shall not exceed during any calendar quarter the quantity so used by him in the corresponding calendar quarter of 1940;

(xiii) To the manufacture or use of babbitt for the repair or maintenance of vessels with the assistance of a preference rating duly assigned or extended on Form PD-300.

(d) *Prohibitions against sales or deliveries.* No person shall sell or deliver any tin or tin bearing material or products thereof in the form of raw materials, semi-processed materials, finished parts or sub-assemblies to any person if he knows or has reason to believe such material or any product thereof is to be used in violation of the terms of this order.

(e) *Limitation on inventories.* No manufacturer shall receive delivery of tin, (including scrap), or products thereof, in the form of raw materials, semi-processed materials, finished parts or sub-assemblies nor shall he put into process any raw material, in quantities which in either case shall result in an inventory of such raw, semi-processed or finished material in excess of a minimum practicable working inventory, taking into consideration the limitations placed upon the production of tin products by this order.

(f) *Miscellaneous provisions—(1) Applicability of Priorities Regulation 1.* This order and all transactions affected thereby are subject to the provisions of Priorities Regulation 1 (Part 944), as

amended from time to time, except to the extent that any provisions hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(2) *Appeal.* Any person whose business is affected by this order, and who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of tin conserved, or that compliance with this order would disrupt or impair a program of defense work, may appeal to the War Production Board on Form PD-229, or such other form as may be from time to time prescribed by the War Production Board, Reference M-43-a, setting forth the pertinent facts and the reasons he considers he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(3) *Applicability of order.* The prohibitions and restrictions contained in this order shall apply to the use of material in all items or articles manufactured after June 5, 1942, irrespective of whether such items or articles are manufactured pursuant to a contract made prior or subsequent to June 5, 1942, or pursuant to a contract supported by a preference rating. Insofar as any other order may have the effect of limiting or curtailing to a greater extent than herein provided, the use of tin in the production of any item or article, the limitations of such order shall be observed.

(4) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(5) *Definitions.* For the purposes of this order:

(i) "Tin" means tin metal or the tin content of any tin bearing material whether or not such material is first converted into tin metal, either imported from foreign sources, or produced domestically from foreign or domestic ores, scrap or residues.

(ii) "Tin alloy" means any alloy containing 1.5% or more of tin metal by weight.

(iii) "Manufacture" means to fabricate, assemble, melt, cast, extrude, roll, turn, spin, produce, coat, or process in any other way, but does not include installation of a finished product for the ultimate consumer on the consumer's premises, or the processing of tin ore or scrap into pig or ingot metal.

(iv) "Inventory" of a person includes the inventory of affiliates and subsidiaries of such person, and the inventory of others where such inventory is under the control of or under common control

with or available for the use of such person.

(v) An "item on List A" means as to a particular manufacturer, all products made by him and described by the same detailed classification contained on List A; and, where the manufacturer sells parts, it means all component parts of products described by the same detailed classification.

(vi) An "article" means as to a particular manufacturer, all finished products made by him which are not on List A, used by the ultimate consumer for the same purpose; and where the manufacturer sells parts, it means all component parts of products used by the ultimate consumer for the same purpose.

(vii) "Manufacturing jeweler" means any manufacturer of jewelry, emblems, insignia, personal ornaments, ornamental fittings, jewelry findings or jewelry chains or any component parts thereof.

(viii) "Use" means both (a) the act of putting tin into process in the manufacture of any item or article and (b) the act of completing the manufacture of any such item or article. (Where a person is limited to a percentage of the material used in a base period, this limitation applies respectively to (c) the amount of material put into process during the base period and (d) the total amount of material contained in a completed item or article, multiplied by the number of such items or articles, completed during the base period. Each restriction must be applied separately.)

(ix) "Put into process" means the first change by a manufacturer in the form of material from that form in which it is received by him.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued November 24, 1942.

ERNEST KANZLER,
Director General for Operations.

LIST A FOR ORDER M-43-A

The use of tin in items listed below and in all component parts thereof is prohibited except to the extent permitted by the foregoing conservation order.

Advertising specialties.

Art objects.

Automobile body solder, or any material used as a filler or smoother for automobile or truck bodies or fenders.

Band and other musical instruments (except for maintenance and repair of pipe organs for religious and educational institutions).

Beverage dispensing units & parts thereof including pipe (except for maintenance and repair of existing units, and only where and to the extent that used tin pipe in an amount equal in tin content to the tin required, is returned by the customer to the supplier).

Britannia metal.

Broom wire.

Buckles.

Buttons.

Chimes and bells.

Emblems and insignia.

Fasteners: eyelets, spiral binders, office & industrial staples, book match clips, paper clips, zippers, dress hooks.

Foil—except for: (1) Electrotyping and moulding lead in printing trade, (2) X-ray supplies and (3) dental use, provided the tin content shall be limited to 30% by weight.

Galvanizing.

Household furnishings and equipment.

Jewelry.

Kitchen equipment (including cutlery and tableware), except articles for food preparation.

Novelties, souvenirs and trophies.

Ornaments and ornamental fittings.

Pewter and pewter hollow ware.

Plating or coating for decorative purposes.

Powder (decorative).

Refrigerator trays and shelves.

Seals and labels (except meat seals).

Slot, game and vending machines.

Coated paper.

Oxide in enamelware as an opacifier.

Toys and games.

EXHIBIT NO. 1—TO CONSERVATION ORDER NO. M-43-A

Pursuant to paragraph (c) (3) (xii) of the foregoing Conservation Order, tin may be used to the extent indicated below for the retinning of the following implements:

*5, 8 and 10 gallon shipping cans.

Milk can stirring rods.

Weigh cans, inside only.

Receiving tanks, inside only.

Coil vats, inside only.

Batch pasteurizers, inside only.

Surface coolers, covers and troughs (electroplating if possible and not over 1/1000 inch coating).

Sanitary fittings and sanitary tubing.

Milk filters.

Separator discs.

*Separator bowls.

Cheese vats.

Cheese vat stirrers.

*2½ and 5 gallon ice cream cans.

Filler bowl covers.

Starter cans, inside only.

Small milk storage vats, inside only.

Milk pumps of centrifugal type.

NOTE: With the exception of those items marked with an asterisk (*), only those parts of equipment in contact with the milk or milk vapors may be retinned.

INTERPRETATION I

The phrase "Individual and organizational equipment" appearing in the definition of implements of war, as contained in paragraph (c) (2) (1) of Conservation Order M-43-a as amended June 5, 1942, is construed to include radio and radar equipment prescribed for field or combat use by the Army or Navy of the United States, the Coast Guard, or the United States Maritime Commission. Consequently, when such radio and radar equipment (including parts, assemblies and materials to be physically incorporated therein) is being produced for purchase by or for the account of the Army or Navy of the United States, the United States Maritime Commission, or the Coast Guard, it is, by the terms of paragraph (c) (2) (1) of Conservation Order M-43-a as amended June 5, 1942, exempt from the restrictions on the use of tin contained in paragraphs (b) (1) and (b) (2) of said order, where the use of tin to the extent employed is required by the specifications (including performance specifications) of the Army or Navy of the United States, the United States Maritime Commission or the Coast Guard applicable to the contract, subcontract or purchase order. (Issued November 7, 1942.)

[F. R. Doc. 42-12340; Filed, November 24, 1942;
11:22 a. m.]

PART 1147—COLLAPSIBLE TUBES

[Conservation Order M-115, as Amended
Nov. 24, 1942]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of tin for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1147.1 Conservation Order M-115—
(a) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the priorities regulations of the War Production Board, as amended from time to time.

(b) *Definitions.* For the purposes of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Tube" means any collapsible container in the shape of a tube, including but not limited to any such container made in whole or in part of tin, lead, or any combination thereof and includes closures, crowns and caps for such tubes.

(3) "Class I tube" means a tube used or intended to be used to pack any product listed on Table I annexed hereto within such limitations, including but not limited to tube size and end use, as may be specified with respect to any such product in said table.

(4) "Class II tube" means a tube used or intended to be used to pack any product listed on Table II, annexed hereto.

(5) "Class III tube" means a tube used or intended to be used to pack any product listed on Table III annexed hereto.

(6) "Class IV tube" means a tube used or intended to be used to pack any product listed on Table IV, annexed hereto.

(7) "Non-essential tube" means any tube other than a tube described in subparagraphs 3, 4, 5 and 6 above.

(8) "Tube user" means any person, whether or not he is also a tube manufacturer, engaged in the business of packing or filling tubes with any product of any kind for sale to others.

(9) "Retailer" means a person other than a distributor who sells or distributes tubes to the ultimate purchaser.

(10) "Distributor" means a person who sells or distributes tubes to retailers, including, but not limited to, wholesalers, jobbers, tube users, and tube manufacturers when they are engaged in such sale or distribution.

(11) "Ultimate purchaser" means a person who acquires filled tubes for the satisfaction of personal needs (with or without paying any consideration therefor), as distinguished from one acquiring tubes for industrial or other business purposes or for further distribution.

(c) *Restrictions upon the manufacture, sale and delivery of blanks and*

tubes and upon the use of tubes for packing—(1) *Non-essential tubes.* No person shall manufacture or sell, for non-essential tubes, blanks containing any tin (but not including tin present as an impurity amounting to 0.5% or less); no tube manufacturer shall manufacture or sell non-essential tubes containing any tin (but not including tin present as an impurity amounting to 0.5% or less); and no tube user shall use any tubes containing any tin (but not including tin present as an impurity amounting to 0.5% or less) to pack any product not listed on Tables I, II, III, or IV.

(2) *Class I tubes.* Notwithstanding the provisions of Conservation Order M-43-a, as amended, and until further order by the Director General for Operations there shall be no restriction upon the percentage of tin which may be used in the manufacture of Class I tubes, nor on the number of such tubes manufactured or used for packing products listed on Table I.

(3) *Class II tubes.* No person shall manufacture or sell for Class II tubes blanks containing more than 7½% of tin by weight; no tube manufacturer shall manufacture or sell Class II tubes containing more than 7½% of tin by weight; and no tube user shall use any tube containing more than 7½% of tin by weight to pack any product listed on Table II.

(4) *Class III tubes.* No person shall manufacture or sell for Class III tubes blanks containing more than 5% of tin by weight; and no tube manufacturer shall manufacture or sell Class III tubes containing more than 5% of tin by weight; and no tube user shall use any tube containing more than 5% of tin by weight to pack any product listed on Table III.

(5) *Class IV tubes.* No person shall manufacture or sell for Class IV tubes blanks containing more than 1½% of tin by weight; no tube manufacturer shall manufacture or sell Class IV tubes containing more than 1½% of tin by weight; and no tube user shall use any tube containing more than 1½% of tin by weight to pack any product listed on Table IV.

(6) *Quota for Table III and Table IV products.* No tube user shall pack in tubes, during each of the three-month periods beginning April 1, 1942, July 1, 1942, and October 1, 1942, respectively, more than 100% of the aggregate of the products listed on Table III and Table IV which he packed in tubes during the corresponding three-month period of 1940, or at his option no more than 25% of the aggregate of the products listed on Table III and Table IV which he packed in tubes during the whole of 1940: *Provided,* That no tube user shall pack in tubes during the period between April 1, 1942, and December 31, 1942, inclusive, more than 100% of the aggregate of the products listed on Table III and Table IV which he packed in tubes during the last nine months of 1940. All percentages above mentioned shall be based upon volumetric weight. Said percentages shall be in addition to the products listed on Table III and Table IV which are packed in tubes and sold and

delivered to the Army or Navy of the United States or the United States Coast Guard (including but not limited to post exchanges, ships' stores, ships' service stores, and marine exchanges), and in addition to products listed on Table III and Table IV which are packed in tubes having no greater tin content than that prescribed in paragraph (c) (1) of this order for non-essential tubes.

(d) *Further conservation of tin.* (1) All manufacturers and users of all the kinds of tubes covered by this order shall cooperate in effectuating as rapidly and as completely as possible a program of reducing the thickness of the tin coating on such tubes to the minimum thickness which will be sufficient for satisfactory packing of the particular product packed

(2) All manufacturers of all kinds of tubes permitted to be manufactured or filled by this order and all tube users packing products in such tubes are ordered to concentrate to the greatest extent practicable upon the larger-size tubes and to manufacture and to use for tube filling respectively as high a proportion of larger-size tubes (as compared with smaller-size tubes) as may be feasible and practicable. All such manufacturers and tube users are further ordered to substitute, for all tubes made in whole in part of tin, containers made of other materials to the extent that such substitution may be feasible and practicable.

(3) No retailer shall sell or deliver any filled Class III or Class IV metal tube to any ultimate purchaser (except as bona fide samples, manufactured prior to the 15th day of June, 1942, which are distributed indiscriminately and without any conditions) unless such purchaser delivers to such retailer concurrently with his purchase one used metal tube of any kind for each metal tube delivered to such purchaser. All such used tubes, together with any other used tubes held by retailers, shall be held by such retailers and shall not be disposed of by them except as follows:

(i) To the Tin Salvage Institute, 411 Wilson Avenue, Newark, New Jersey, as agent for Metals Reserve Company;

(ii) To any wholesaler of products packed in tubes, who is a duly authorized representative of the Tin Salvage Institute as agent for the Metals Reserve Company; or

(iii) To any other person who is such a representative.

Such deliveries may be made by such retailers at any time and in any manner consented to by the person to whom delivery is to be made, and shall be made, upon demand of such person and at the expense of such person, in such manner and at such time as such person may request. In no case shall any consideration be paid or received for any used tubes so delivered and no person (including, but not limited to, wholesalers of products packed in tubes and dealers in scrap metal and junk) shall, except as otherwise expressly permitted by this paragraph (d) (3), deliver any used tube of any kind to any person except those designated above. Damaged or unused tubes shall, at the option of the holder,

be returned for credit to the party from whom they were purchased or delivered to the Tin Salvage Institute as agent for Metals Reserve Company.

(4) Nothing in this order shall prevent the manufacture of nonessential or other tubes from blanks already manufactured on the 1st day of April, 1942, or the sale and delivery of tubes so manufactured or the use of same for packing any products, whether or not listed on Tables I, II, III and IV of this order: *Provided, however,* That the volumetric weight of any products listed in Tables III and IV which are packed in accordance with the provisions of this subparagraph shall be subtracted from the quotas allowed to the tube user pursuant to paragraph (c) (6) of this order.

(5) Nothing in this order shall prevent the sale, delivery, purchase, acceptance of delivery and use of tubes containing no more than 7½% of tin by weight for packing products listed in Tables III and IV of this order, provided said tubes were made from blanks which had already been manufactured on the 5th day of October 1942; and provided further that the volumetric weight of any products listed in Tables III and IV which are packed in accordance with the provisions of this subparagraph shall be subtracted from the quotas allowed to the tube user pursuant to paragraph (c) (6) of this order.

(6) Notwithstanding any other provisions of this order, gift kits or combination set boxes holding multiple units, including filled Class III or Class IV tubes, the value of which comprises not over 25 percent of the total value of the package, may be disposed of without complying with the used tube exchange provision set forth in paragraph (d) (3) hereof; provided that any such boxes are delivered or sent direct by the seller to a member of the Army or Navy of the United States or of the United States Coast Guard.

(7) Compliance with the used tube exchange provision set forth in paragraph (d) (3) hereof shall not be required in connection with the sale or distribution of Class III or Class IV tubes when made by the following agencies or instrumentalities of the United States Government; namely, army exchanges, ships stores, ships service stores, and marine exchanges; if made under any of the following circumstances:

(i) Distributions or sales, made aboard ship, in the Territory of Alaska, or outside the continental limits of the United States.

(ii) Distributions or sales made at ports of embarkation, induction centers, receiving stations, receiving ships, to newly inducted selectees or enlistees or other persons designated by the commanding officer.

(iii) Sales or distributions made in hospitals under the jurisdiction of the armed forces of the United States to casualties of war.

Provided, however, That no tubes containing more than 7½% tin shall be sold or delivered pursuant to this subparagraph: *And further provided,* That the exemption provided by this subparagraph shall be subject to such conditions

as shall be prescribed by the appropriate authorities of that branch of the Government under whose jurisdiction the above named agencies or instrumentalities respectively operate.

(e) *Certificates and reports relating to all the kinds of tubes covered by this order*—(1) *Certificates of tube users.* Each tube user who purchases any tubes shall furnish to the tube manufacturer from whom he buys, a certificate, in substantially the form attached hereto as Exhibit A, that such tube user is familiar with the terms of this order (in its present form or as it may be amended from time to time) and that, during the life of this order, he will not use any tubes purchased from such tube manufacturer in violation of its terms. Only one such certificate covering all present and future purchases from a given tube manufacturer need be furnished by a tube user to that tube manufacturer (who shall retain such certificate), but no tube manufacturer shall be entitled to rely on any such certificate if he knows, or has reason to believe it to be false.

(2) *Certificates of retailers.* Each retailer who purchases any filled Class III or Class IV tubes shall furnish to the manufacturer or distributor from whom he buys a certificate, in substantially the form attached hereto as Exhibit B, that such retailer is familiar with the terms of this order (in its present form or as it may be amended from time to time) and that, during the life of this order, he will not use any tubes purchased from such manufacturer or distributor in violation of its terms. Only one such certificate covering all present and future purchases from a given manufacturer or distributor need be furnished by a retailer, but no manufacturer or distributor shall be entitled to rely on any such certificate if he knows, or has reason to believe, it to be false: *Provided, however,* That such certificates shall not be required in connection with the export of filled Class III or Class IV tubes from the forty-eight states of the United States of America and the District of Columbia.

(3) *Reports.* Each tube manufacturer and each tube user shall file such reports as the War Production Board may prescribe for the purpose of effective administration of the order, and no tube manufacturer or distributor shall sell any tubes except under contracts or orders validated by the certification required by this paragraph (e).

(f) *Miscellaneous provisions*—(1) *Appeal.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of tin conserved, or that compliance with this order would disrupt or impair a program of conversion from non-defense work to defense work, may appeal to the War Production Board, on such form as may be prescribed, Ref.: M-115, setting forth the pertinent facts and the reasons he considers he is entitled to relief. The Director General for Operations may

thereupon take such action as he deems appropriate.

(2) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(3) *Sales of tin.* No person shall hereafter sell or deliver tin to any tube manufacturer or tube user if he knows, or has reason to believe, that such tin is to be used in violation of the terms of this order.

(4) *Communications to the War Production Board.* All reports required to be filed hereunder and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Containers Branch, Washington, D. C., Ref.: M-115.

(5) *Effect of other orders.* Except as provided in paragraph (c) (2) above, insofar as any other order of the Director of Priorities, the Director of Industry Operations or the Director General for Operations heretofore or hereafter issued limits or curtails to a greater extent than herein provided the use of any material used in the production of tubes, the limitations of such order shall control.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E. O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 24th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

EXHIBIT A

WAR PRODUCTION BOARD

DIRECTOR GENERAL FOR OPERATIONS

TUBE USER'S CERTIFICATE

Certificate required by paragraph (e), subparagraph (1) of Conservation Order M-115. One copy of this certificate is to be delivered to each tube manufacturer from whom the tube user purchases tubes and is to cover all purchases present and future, so long as such conservation order, in its present form or as it may be amended from time to time, remains in effect.

(Tube user's address) (Date)

In accordance with paragraph (e), subparagraph (1) of Conservation Order M-115 of the War Production Board designed to conserve the amount of tin used in collapsible tubes, the undersigned hereby certifies—and this shall constitute a certification to the War Production Board—that the undersigned is familiar with the terms of said Conservation Order, and any and all amendments thereto, and that the undersigned will not use any tubes purchased from

(Name of tube manufacturer)

(Address of tube manufacturer)
in violation of the terms of said order and amendments.

(Legal name of tube user)

By (Authorized official)

(Title of official reporting)

Section 35A of the U. S. Criminal Code (18 U.S.C.A. 80) makes it a criminal offense to make a false statement or representation to any department or agency of the United States as to any matter within its jurisdiction.

EXHIBIT B

WAR PRODUCTION BOARD

DIRECTOR GENERAL FOR OPERATIONS

RETAILER'S CERTIFICATE

Certificate required by paragraph (e), subparagraph (2) of Conservation Order M-115. One copy of this certificate is to be delivered to each distributor from whom the retailer purchases tubes and is to cover all purchases present and future, so long as such conservation order, in its present form or as it may be amended from time to time, remains in effect.

(Retailer's address) (Date)

In accordance with paragraph (e), subparagraph (2) of Conservation Order M-115 of the War Production Board designed to conserve the amount of tin used in collapsible tubes, the undersigned hereby certifies—and this shall constitute a certification to the War Production Board—that the undersigned is familiar with the terms of said conservation order, and any and all amendments thereto, and that the undersigned will not use any tubes purchased from

(Name of tube manufacturer or distributor)

(Address of tube manufacturer or distributor)
in violation of the terms of said order and amendments.

(Legal name of retailer)

By (Authorized official)

(Title of official reporting)

Section 35A of the U. S. Criminal Code (18 U.S.C.A. 80) makes it a criminal offense to make a false statement or representation to any department or agency of the United States as to any matter within its jurisdiction.

TABLE I—(CLASS I TUBES)¹

1. Preparations compounded extemporaneously for dispensing by pharmacists on legally constituted prescriptions of physicians, dentists, or veterinarians.
2. Ointments and other preparations for ophthalmic use.
3. Sulfa drugs in ointment or jelly form.
4. Diagnostic extracts (allergens).
5. Morphine for hypodermic injection (limited to tubes containing individual doses only and sold directly to the Army or Navy of the United States).

TABLE II—(CLASS II TUBES)

1. (a) Medicinal and pharmaceutical ointments not included in Table I;
(b) Preparations which are intended for introduction into body orifices (nasal, vaginal, rectal, surgical jelly, etc.), not included in Table I.

¹ Item 3 is amended; item 5 is added.

TABLE III—(CLASS III TUBES)

1. Dental cleansing preparations.

TABLE IV—(CLASS IV TUBES)

1. Shaving preparations.

[F. R. Doc. 42-12342; Filed, November 24, 1942;
11:22 a. m.]

PART 1226—GENERAL INDUSTRIAL EQUIPMENT

[Limitation Order L-123 as Amended Nov. 24, 1942]

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of certain critical materials used in the manufacture of general industrial equipment for defense, for private account and export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1226.1 *General Limitation Order L-123—(a) Definitions.* For the purpose of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "General industrial equipment" means new equipment of the kinds listed, from time to time, in list A. General industrial equipment shall be deemed to be new when it has not been delivered to any person acquiring it for use.

(3) "Manufacturer" means any person producing general industrial equipment.

(4) "Distributor" means any person in the business of distributing general industrial equipment.

(5) "Order" means any commitment or other arrangement for the delivery of general industrial equipment, whether by purchase, lease, rental, or otherwise.

(6) "Approved order" means:

(i) Any order for general industrial equipment bearing a preference rating of A-1-c or higher.

(ii) Any order for general industrial equipment for the Army, the Navy, the Maritime Commission, the War Shipping Administration, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Committee for Aeronautics, and the Office of Scientific Research and Development.

(iii) Any order for general industrial equipment which the Director General for Operations authorizes for delivery pursuant to paragraph (b) (2) hereof.

(b) *Restrictions on acceptance of orders for, and production and distribution of general industrial equipment—(1) General restrictions.* (i) No person shall accept any order for general industrial equipment or commence production of any general industrial equipment in fulfillment of any order, whether accepted or not; unless such order is an approved order.

(ii) No person shall deliver, and no person shall accept delivery of, any general industrial equipment, except pursuant to an approved order: *Provided,*

however, That the provisions of this paragraph (b) (1) shall not prohibit the production and delivery, prior to October 1, 1942, of general industrial equipment in fulfillment of an order accepted prior to August 27, 1942 and bearing a preference rating of A-9 or higher; and *Provided further,* That nothing in this order shall prevent shipment of general industrial equipment from any manufacturer to any distributor to fill approved orders actually received by such distributor or to replace general industrial equipment delivered by such distributor to fill an approved order nor shall this order limit the right of a manufacturer legally to extend any preference rating certificate to secure material for the production of approved orders for general industrial equipment.

(2) *Authorization for orders on books.* Manufacturers or distributors may apply for authorization to commence production of, or to deliver, orders now on their books which are not approved orders, by filing with the War Production Board, a list in triplicate, plainly marked Ref: L-123, of all such orders, together with the name of the purchaser or lessee, the date of the order, the number of pieces of equipment or machinery, the rating assigned, the preference rating certificate number, if any (or blanket preference rating order and serial number), a description of the machinery, the value of the machinery, the specified delivery date, the extent of completion of the order, and the expected use to which the machinery will be put. The Director General for Operations may thereupon authorize the production or delivery of any such orders, or the assignment of preference ratings thereto.

(c) *Non-applicability to repair or maintenance.* (1) The provisions of paragraph (b) shall not apply to any order for, or delivery of, maintenance or repair parts, (i) in an amount not exceeding \$1,000 for any single piece of general industrial equipment to be repaired or maintained; or (ii) in any amount for the repair of general industrial equipment when there is an actual breakdown or suspension of operations of such piece of equipment because of damage, wear and tear, destruction or failure of parts, or the like, and the essential repair or maintenance parts are not otherwise available.

(2) Any purchaser who shall place an order for repair or maintenance parts exempted from the provisions of paragraph (b) as above provided, shall furnish his supplier with the following certification, on the order or in a separate document:

I hereby certify that the above (or attached) order is in compliance with paragraph (c) of General Limitation Order L-123. The order is for maintenance and repair parts as follows:

(state here whether order is for parts not exceeding \$1,000 for each piece of equipment

covered thereby, or for parts for equipment which has broken down)

----- Company
By -----
(Authorized official)

Such certification shall be signed by a duly authorized official or employee of the purchaser. No person shall make delivery of repair or maintenance parts covered by such certificate if he has reason to believe that the certificate is false; and no person shall falsely furnish the certification specified above. The above mentioned certificate shall constitute a representation to the War Production Board, as well as to the supplier, of the facts certified therein.

(d) *Applicability of Priorities Regulation No. 1.* This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(e) *Applicability of other orders.* Nothing in this order shall be construed to permit any person to sell, deliver, or otherwise transfer, or any manufacturer to purchase, receive delivery of, acquire, fabricate or process in any manner, any raw materials, semi-fabricated parts, or finished parts in contravention of terms of any regulation of the War Production Board, effective at the date of any of the transactions specified in this paragraph.

(f) *Existing contracts.* Fulfillment of contracts in violation of this order is prohibited regardless of whether such contracts are entered into before or after May 26, 1942. No person shall be held liable for damages or penalties for default under any contract or order which shall result directly or indirectly from his compliance with the terms of this order.

(g) *Appeals.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him may appeal to the War Production Board setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director General for Operations may thereupon take such action as he deems appropriate.

(h) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C. Ref.: L-123.

(i) *Records and reports.* All manufacturers and distributors affected by this order shall keep and preserve for not less than two years accurate and complete records concerning production, deliveries, and orders for general industrial equipment. All persons affected by this order shall execute and file with the Director General for Operations, War Production Board, such reports and questionnaires as said Director shall from time to time request.

(j) *Violations.* Any person who willfully violates any provision of this order, or who willfully furnishes false information to the Director General for Operations in connection with this order is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance by the Director General for Operations.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

The amendatory provisions of this order, as indicated above by underscoring, and including List A in its entirety, shall become effective December 1, 1942.

Issued November 24, 1942.

ERNEST KANZLER,

Director General for Operations.

LIST A

1. Conveying machinery (and any important component part thereof) used for the mechanical handling of materials; except (i) farm elevators included within the provisions of Order L-26, as amended, (ii) machinery or parts used on board ship in the operation of any vessel, or used in the operation of aircraft, tanks, ordnance, or similar combat equipment, (iii) power and hand lift trucks, (iv) cranes, hoists and platform elevators, (v) construction mixers, pavers, graders, drag lines and power shovels, and similar construction machinery, (vi) cars and car dumpers, (vii) steel mill tables, (viii), sintering conveyors, (ix) metal pig conveyors, (x) underground mining machinery (other than slope conveyors); and (xi) conveying machinery covered by any order authorized by the Director General for Operations under Order L-193.

2. Mechanical power transmission equipment (and any important component part thereof) of the following kinds (except (i) equipment or parts used in the operation of any vessel, or in the operation of aircraft, tanks, ordnance or similar combat equipment or (ii) equipment covered by any order authorized by the Director General for Operations under Order L-193):

(a) Open and enclosed gearing for transmitting more than $\frac{1}{4}$ horse power; except marine propulsion gears, gears used as an integral part of a machine, gears built into a turbine, and gears used on household manually powered, automotive, or farm machinery;

(b) Mechanical drives and parts thereof for transmitting more than $\frac{1}{4}$ horse power; except belting, drives used as an integral part of a machine and drives used on household, manually powered, automotive, or farm machinery.

3. Industrial fans and blowers, including attic-type ventilating fans regardless of blade diameter or motor size, centrifugal or squirrel-cage type fans, and propeller or axial flow type fans; except ceiling, desk, window, air circulator, and pedestal type fans of a portable nature.

4. Turbo blowers, except turbo blowers covered by the provisions of Limitation Order L-163.

5. Industrial compressors and vacuum pumps, mechanically operated, all types; except "Critical Compressors" as defined in General Limitation Order L-100, and units

having a displacement of less than one cubic foot per minute.

6. Industrial pumps, mechanically operated, including centrifugal, power, reciprocating, turbine, deep well turbine, rotary, cam, screw, gear, vane and jet types; but not including (i) pumps for farm use as defined in General Limitation Order L-26, (ii) measuring and dispensing pumps, (iii) vertical submerged reciprocating or turbine type pumps used in oil wells for petroleum production, (iv) non-reciprocating vacuum pumps, condensate return pumps, and hot water circulating pumps, designed and used solely for comfort heating of building space, (v) sanitary pumps used in milk processing and egg processing plants, or (vi) portable engine driven or electric motor driven pumping units, mounted on skids, with or without handles, or trailer mounted, incorporating self-priming centrifugal pumps, horizontal or vertical piston or plunger pumps or diaphragm pumps, ordinarily used for contractors purposes or by contractors for dewatering and supply, as defined in "Contractors Pump Standards" adopted by the Associated General Contractors of America, Inc., (A. G. C.) February 21, 1941. Notwithstanding any other provision of this order, a pump shall be deemed to be "new", and therefore included within the provisions of the order, until such pump has been sold by a manufacturer or distributor to a person acquiring it for use, regardless of whether such pump may have theretofore been leased to any person or persons temporarily by such manufacturer or distributor.

7. Industrial hand trucks, including any truck or trailer, not self-power propelled, with free running wheels or casters, designed for the handling of material of any kind; except any hospital cart, or any trailer designed for use on the highway or in earth moving, mining, logging, or petroleum development.

8. Stationary steam engines, except marine engines and steam engine generator sets.

9. Air washers.

10. Heat exchangers; except (i) heat exchangers for domestic use, (ii) heat exchangers covered by the provisions of Limitation Order L-172 (iii) surface condensers, (iv) unit heaters, (v) unit ventilators, (vi) blast heating surfaces not enclosed in a pressure vessel, and (vii) convectors designed and used solely for comfort heating of building spaces or for processes requiring heat. "Surface Condenser" means any device consisting of a shell and bare tubes, including auxiliary air removal equipment when such auxiliary equipment is purchased with and used on said device, which condenses exhaust steam from a steam driven prime mover for the purpose of maintaining a minimum absolute exhaust pressure.

11. Industrial dust collectors.

12. Passenger or freight elevators (including residence elevators, home lifts, elevators, and similar equipment), incliners, electrically operated passenger elevating devices appurtenant to stationary stairways, and power operated dumbwaiters.

13. Portable (platform type) elevators and steel platforms. "Portable (platform type) elevator" means any device mounted on wheels or casters with either power operated or hand operated lift, used primarily to elevate and lower material for the purpose of tiering or stacking; and "steel platform" means any steel platform or skid, with or without box tops or enclosures, standing on legs or legs and wheels, designed for use in handling material in conjunction with hand or power operated lift trucks, portable (platform type) elevators, lift jacks or other similar devices.

14. Electric motors, one horse power and over; except motors for farm use covered by General Limitation Order L-26.

15. Motor-generator sets, $\frac{1}{4}$ K. W., or one horse power, and above.

16. Electric controllers, rated one horse power and over; including manual and magnetic starters, controllers and speed regulators, drum switches, thruster and solenoid brakes, push-button stations, limit switches, master switches and pressure and float switches but not including controllers for farm use covered by Limitation Order L-26.

17. Safety switches and knife switches, single and double throw, two, three and four pole, rated 60 amperes and higher, 600 volts and below.

18. Circuit breakers, thermal and magnetic trip, manually and electrically operated, rated 50 to 575 amperes, inclusive, 600 volts and below.

19. Lifting magnets, circular type, 18 inches in diameter and larger; and lifting magnet controllers.

20. Dynamometers, electric type; and rotary converters.

INTERPRETATION 1

General industrial equipment shall be considered to be delivered, within the meaning of this order, prior to the effective date of this order, when the machinery or equipment has been placed in the hands of a common or contract carrier for shipment to the purchaser prior to May 26, 1942. (Issued June 13, 1942.)

[F. R. Doc. 42-12341; Filed, November 24, 1942; 11:22 a. m.]

PART 1056—NATURAL GAS

[Supplementary Limitation Order L-31-a]

In accordance with the provisions of § 1056.1 *Limitation Order L-31* which the following order supplements:

§ 1056.2 *Supplementary Limitation Order L-31-a.* (a) *Definitions.* (1) The definitions contained in paragraph (a) of Limitation Order L-31 shall apply to this order.

(2) *Area VII* means:

(i) Those areas in Wyoming and Utah served by the Mountain Fuel-Supply Company.

(ii) Those areas in Kansas served by the Panhandle Eastern Pipeline Company or by any utility receiving all or any part of its gas supply from said company, except areas in Kansas included in Area II (as defined in Exhibit B of Limitation Order L-31).

(b) *Restrictions on deliveries of natural gas.* On and after December 2, 1942, no utility shall deliver to any residential consumer in Area VII and no such consumer shall accept delivery of natural gas for the operation of any space-heating equipment unless:

(1) Such equipment was installed (or if converted from some other fuel to natural gas such conversion was completed) at the same premises prior to December 2, 1942, or

(2) In the case of new construction, such equipment was specified in the construction contract and was installed prior to March 1, 1943, and the foundation under the main part of the structure in which the equipment is to be installed was completed prior to December 16, 1942, or

(3) Such equipment replaces gas-fired equipment of equal or greater capacity previously installed or operated at the same premises whether by the same or by another consumer: *Provided*, That

nothing contained in this subparagraph shall authorize the delivery of gas for the operation of central space-heating equipment which replaces non-central space-heating equipment or central space-heating equipment of a different type, or

(4) Such deliveries have been specifically approved by the Director General for Operations.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 24th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-12347; Filed, November 24, 1942;
11:49 a. m.]

PART 1188—RAILROAD EQUIPMENT

[Supplementary Limitation Order L-97-a-1
as Amended Nov. 24, 1942]

Section 1188.3 *Supplementary General Limitation Order L-97-a-1, as amended* is hereby amended to read as follows:

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of iron, steel and other materials for defense, for private account and for export; the railroad car building industry has on hand diversified inventories of materials not in balance among individual producers; it is desirable that such inventories be utilized to the best possible advantage; and the following order, supplementing General Limitation Order L-97-a, is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1188.3 *Supplementary General Limitation Order L-97-a-1—(a) Effect of General Limitation Order L-97-a.* This order supplements General Limitation Order L-97-a and is subject to the provisions of that order as amended from time to time.

(b) *Definitions.* For the purpose of this order:

(1) "Car parts" means any commodity, equipment, accessory, part, assembly or product manufactured for use in the construction of cars.

(2) "Cars" means all cars for use on railroads, including freight cars and passenger cars.

(3) "Supplier" means any person with whom a contract or order has been placed for delivery of car parts to a producer or another supplier.

(c) *General restrictions.* Preference ratings of A-2 or lower assigned prior to April 29, 1942, to the delivery of car parts or other material for the manufacture of cars under Preference Order P-8 (in accordance with paragraph (f) thereof), Preference Rating Order P-90 (Form PD-25A) or any certificate or order issued pursuant to PD-1 or PD-1A applications, are hereby canceled as of April 29, 1942. A purchase order to the delivery of which had been assigned a pref-

erence rating canceled by operation of this paragraph (c) shall be treated as an unrated order.

(d) Notwithstanding the provisions of § 944.11 (Use of Material Obtained Under Allocation or Preference Rating) of Priorities Regulation No. 1 as amended, or of General Preference Order M-21 as amended, any producer of cars or supplier may sell and deliver to any other such producer (including a producer of locomotives) or supplier, or to a railroad, any car parts the material in which was obtained under a preference rating for the construction of cars: *Provided*, That such material is to be used for the construction or repair of cars or locomotives, and that the purchaser endorses on the purchase order for such material the following statement signed by a duly authorized official:

The undersigned represents to the seller and to the War Production Board that the material ordered herein will be used for the construction or repair of railroad cars or locomotives.

_____ Date

_____ Name of purchaser

_____ Signature of authorized official

_____ Title

Such sales shall be expressly permitted within the terms of paragraph (c) (3) of Priorities Regulation No. 13, as amended. Nothing in this paragraph (d) shall impair the force and effect of § 944.2 (Compulsory Acceptance of Defense and Other Rated Orders) of said Regulation No. 1.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 24th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

[F. R. Doc. 42-12348; Filed, November 24, 1942;
11:49 a. m.]

PART 3139—ASPHALT AND TARRED ROOFING PRODUCTS AND ASPHALT SHINGLES

[General Limitation Order L-228]

The fulfillment of requirements for the defense of the United States has created a situation which will result in a shortage in the supply of materials and facilities used in the manufacture of asphalt and tarred roofing products and asphalt shingles for defense, for private account and for export, unless raw material, transportation facilities and manpower are conserved through the simplification and reductions of types of these products and shingles; and for those purposes the following order is deemed necessary and appropriate in the public interest and to promote the national war effort.

§ 3139.1 *General Limitation Order L-228—(a) Definitions.* For the purposes of this order:

(1) "Asphalt and tarred roofing products" means dry felt made of organic fiber impregnated with bitumen, desig-

nated and constructed to be applied to the exterior surface of a building or structure for the purpose of weatherproofing such surface. Asphalt and tarred roofing products may be coated with a more viscous bitumen than that used in impregnating the dry felt and may be surfaced with granular material such as, but not limited to, crushed rock, slate or quartz.

(2) "Asphalt shingles" means dry felt manufactured from organic fiber, impregnated with asphalt, coated with a more viscous asphalt than that used in the impregnation of such felt, and may be surfaced with granular material such as, but not limited to, crushed rock, slate, or quartz, which dry felt so treated is designed and shaped for application in the form of shingles to the exterior surface of a building or structure for the purpose of weatherproofing such surface.

(b) *General restrictions.* On and after the first day of January, 1943, no person shall manufacture, fabricate, or process any asphalt and tarred roofing products or asphalt shingles except such as conform to the schedule of types, sizes and forms listed on Exhibit "A" hereto attached or as are specifically permitted by the terms of said Exhibit "A".

(c) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(d) *Audit and inspection.* All records required to be kept by this order shall, upon request, be submitted to audit and inspection, by duly authorized representatives of the War Production Board.

(e) *Applicability of priorities regulations.* This order and all transactions affected thereby are subject to all applicable provisions of the War Production Board, as amended from time to time.

(f) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(g) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of appeal.

(h) *Communications.* Reports to be filed and all other communications concerning this order shall be addressed to War Production Board, Building Materials Division, Washington, D. C., Ref. L-228.

(P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 24th day of November 1942.

ERNEST KANZLER,
Director General for Operations.

EXHIBIT A—TYPES, SIZES AND FORMS OF ASPHALT & TARRER ROOFING PRODUCTS AND ASPHALT SHINGLES

	Finished weight ¹ (pounds)	Area per roofing sq. ² (sq. ft.)	Dry felt weight ³ (number)
Smooth finish roll-roofing:			
Type 1—Grade A	65	108	58
Type 2—Grade A	55	108	48
Type 3—Grade B	45	108	34
Type 4—Grade C	35	108	21
Mineral surfaced roll-roofing:			
Type 1—(Note 6)	90	108	48
Type 2—19" double coverage, selv. edge	55	108	48
Type 3—Edge style—one pattern	105	128	48
Asphalt sidings:			
Type 1—Roll form	105	111	48
Type 2—Shingle form	1230	1240	48
Built-up roofing products:			
Type 1—Asphalt saturated felt	15	108	25
Type 2—Asphalt saturated felt	30	108	48
Type 3—Tar saturated felt	15	108	*N.L.
Type 4—Tar saturated felt	30	108	*N.L.
Type 5—Est'd and coated felt (for coal application)	155	108	*N.L.
Type 6—Base sheet	(††)	(††)	*N.L.
Type 7—Cap-sheet	68	216	21
Asphalt shingles ⁴ :			
Type 1—Square-butt strip (12" wide)	1220	1240	48
Type 2—"Standard" Hexagonal strip	1170	1200	48
Type 3—"Heavy weight" individual reroofer	1165	1175	48
Type 4—"Standard weight" individual reroofer	1140	1160	48

¹Maximum.²Optional.³Dry felt weight not limited on this item.

⁴Represents approximate shipping weight, except where "Max." weight is stipulated, in which cases the figure designates the maximum weight permissible. The "Finished weight" includes packaging materials, also fixtures in the case of "Smooth finish roll-roofings" (all four types) and "Mineral surfaced roll-roofing" (Type 1 only).

⁵Represents approximate area furnished in conformity with the given "Finished weight," except where "Max." area is stipulated, in which cases the figure designates the maximum area permissible.

⁶Represents the minimum weight in pounds per 480 sq. ft. of moisture-free felt.

⁷Only one type and grade permissible; exterior finish optional.

⁸Texture, color and finish of "Mineral surfaced roll-roofings", "Asphalt sidings" and "Asphalt shingles" to be optional.

⁹May be made in any or all of the following variations: (a) no selvage edge; (b) with 2" selvage edge; (c) with 4" selvage edge with sufficient area to cover 100 sq. ft.

¹⁰Coated on both sides and surfaced on one side with talc or other dusting finish.

¹¹The manufacture of hip and ridge shingles in the size now being produced at each plant is permitted for use as an accessory in completing application.

¹²Hexagonal strip shingle may be manufactured at each plant with either two or three tabs (but not both).

[F. R. Doc. 42-12349; Filed, November 24, 1942; 11:49 a. m.]

Chapter XI—Office of Price Administration

PART 1335—CHEMICALS

[RPS 42, Amendment 4]

PARAFFIN WAX

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith

¹ 7 F. R. 1285, 1836, 2000, 2132, 3430, 4853, 8202, 8948.

and filed with the Division of the Federal Register.*

Paragraph (b) of § 1335.460 is amended to read as set forth below:

§ 1335.460 Appendix A: Maximum prices for paraffin wax. * * *

(b) Quantities of less than 10,000 pounds. (1) The maximum prices for crude scale, semirefined and fully refined paraffin wax, except for deliveries in the states of California, Oregon, and Washington, in quantities of 1,000 pounds or more, but less than 10,000 pounds, are the prices listed in subparagraphs (1) and (2) of paragraph (a) above, plus \$0.015 per pound, delivered.

(2) The maximum prices for crude scale, semirefined and fully refined paraffin wax, for deliveries in the states of California, Oregon, and Washington, in quantities of 1,000 pounds or more, but less than 10,000 pounds, are the prices listed in subparagraphs (1) and (2) of paragraph (a) above, plus \$0.020 per pound, delivered.

§ 1335.460a Effective date of amendment. * * *

(d) Amendment No. 4 (§ 1335.460 (b)) to Revised Price Schedule No. 42 shall become effective November 28, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F. R. 7871)

Issued this 23d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12312; Filed, November 23, 1942; 4:16 p. m.]

PART 1340—FUEL

[MPR 120, Amendment 26]

BITUMINOUS COAL DELIVERED FROM MINE OR PREPARATION PLANT

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

In § 1340.207 (d), a new sentence is added, as set forth below:

§ 1340.207 Petitions for amendment and adjustment or exception. * * *

(d) * * * No application for adjustment filed after November 25, 1942 will be granted under this paragraph (d).

§ 1340.211a Effective dates of amendments. * * *

(aa) Amendment No. 26 (§ 1340.207 (d)) to Maximum Price Regulation No. 120 shall be effective November 25, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F. R. 7871)

Issued this 23d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12313; Filed, November 23, 1942; 4:18 p. m.]

*Copies may be obtained from the Office of Price Administration.

¹ 7 F. R. 3168, 3447, 3901, 4336, 4342, 4404, 4540, 4541, 4700, 5059, 5560, 5607, 5827, 5835, 6169, 6218, 6265, 6272, 6472, 6325, 6524, 6744, 6896, 7777, 7670, 8650, 7914, 7942, 8354, 8948.

PART 1340—FUEL

[Correction to MPR 122¹]

SOLID FUELS

Solid fuels delivered from facilities other than producing facilities—dealers.

In § 1340.261 (g) (2) the reference to "December 31, 1942" is hereby corrected to read "December 31, 1941".

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F. R. 7871)

Issued this 23d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12314; Filed, November 23, 1942; 4:18 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Supplementary Amendment 5A to Maximum Rent Regulations]

HOTELS AND ROOMING HOUSES

The second sentence of the first undesignated paragraph and subparagraphs (2) and (5) of paragraph (a) of §§ 1388-1505, 1388.1555, 1388.1605, 1388.1855, 1388.1905, 1388.1955, 1388.2005, 1388.3005, 1388.4005, 1388.5005, 1388.6005, 1388.7005, 1388.8005, 1388.9005, 1388.85, 1388.185, 1388.335, and 1388.435 of Maximum Rent Regulations Nos. 21A, 22A, 23A, 29A, 30A, 31A, 32A, 34A, 36A, 38A, 40A, 42A, 44A, 46A, 48A, 50A, 54A, and 56A, respectively, are amended to read as follows:

* * * Except in cases under paragraphs (a) (7) and (c) (4) of this section, every adjustment of a maximum rent shall be on the basis of the rent which the Administrator finds was generally prevailing in the Defense-Rental Area for comparable rooms on -----: *Provided, however,* That no maximum rent shall be increased because of a major capital improvement or an increase in services, furniture, furnishings or equipment, by more than the amount which the Administrator finds would have been on -----; the difference in the rental value of the accommodations by reason of such improvement or increase: *And provided further,* That no adjustment shall be ordered because of a major capital improvement, an increase or decrease in services, furniture, furnishings or equipment, or a deterioration, where it appears that the rent during the thirty-day period determining the maximum rent was fixed in contemplation of and so as to reflect such change.

(2) There was, on or prior to -----, a substantial change in the room by a major capital improvement as distinguished from ordinary repair,

¹ 7 F. R. 3239, 3666, 3656, 3940, 3941, 5024, 5567, 5835, 7809, 8996, 8949, 8948, 9426.

² The applicable date is to be inserted for each Maximum Rent Regulation. The respective date to be inserted for each Maximum Rent Regulation is as follows:

Nos. 21A, 29A, 40A, 42A, January 1, 1941; Nos. 22A, 30A, 34A, April 1, 1941; Nos. 23A, 31A, 38A, July 1, 1941; Nos. 48A, 56A, October 1, 1941; Nos. 32A, 36A, 44A, 46A, 50A, 54A, March 1, 1942.

replacement and maintenance, and the rent during the thirty-day period ending on -----, was fixed by a lease or other rental agreement which was in force at the time of such change.

(5) There was in force on ----- a written lease, for a term commencing on or prior to -----, requiring a rent substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable rooms on -----.

This Supplementary Amendment No. 5A to Maximum Rent Regulations for Hotels and Rooming Houses shall become effective November 23, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 23d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12315; Filed, November 23, 1942;
4:17 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Supplementary Amendment 9 to Maximum Rent Regulations]

HOUSING ACCOMMODATIONS OTHER THAN HOTELS AND ROOMING HOUSES

The second sentence of the first undesignated paragraph and subparagraphs (2) and (5) of paragraph (a) of §§ 1388.15, 1388.65, 1388.115, 1388.165, 1388.215, 1388.265, 1388.315, 1388.365, 1388.415, 1388.465, 1388.515, 1388.565, 1388.615, 1388.665, 1388.715, 1388.765, 1388.815, 1388.865, 1388.915, 1388.965, 1388.1015, 1388.1655, 1388.1705, 1388.1755, 1388.1805, 1388.2055, 1388.3055, 1388.4055, 1388.5055, 1388.6055, 1388.7055, 1388.8055, 1388.35, 1388.135, 1388.235, 1388.285, and 1388.385 of Maximum Rent Regulations Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 24, 25, 26, 27, 28, 33, 35, 37, 39, 41, 43, 45, 47, 49, 51, 53, and 55, respectively, are amended to read as follows:

* * * In those cases involving a major capital improvement, an increase or decrease in the furniture, furnishings or equipment, an increase or decrease of services or a deterioration, the adjustment in the maximum rent shall be the amount the Administrator finds would have been on -----, the difference in the rental value of the housing accommodations by reason of such

* See footnote 2, p. 9783.

The applicable date is to be inserted for each Maximum Rent Regulation. The respective date to be inserted for each Maximum Rent Regulation is as follows:

Nos. 21A, 29A, 40A, 42A, January 1, 1940; Nos. 22A, 30A, 34A, April 1, 1940; Nos. 23A, 31A, 38A, July 1, 1940; Nos. 48A, 56A, October 1, 1940; Nos. 32A, 36A, 44A, 46A, 50A, 54A, March 1, 1941.

The applicable date is to be inserted for each Maximum Rent Regulation. The respective date to be inserted in each Maximum Rent Regulation is as follows:

Nos. 1, 7, 9, 25, 39, 41, January 1, 1941; Nos. 2, 3, 4, 5, 6, 8, 11, 12, 13, 14, 15, 17, 18, 19, 20, 24, 26, 33, April 1, 1941; Nos. 10, 16, 27, 37, July 1, 1941; Nos. 47, 55, October 1, 1941; Nos. 28, 35, 43, 45, 49, 51, 53, March 1, 1942.

change: *Provided, however,* That no adjustment shall be ordered where it appears that the rent on the date determining the maximum rent was fixed in contemplation of and so as to reflect such change.

(2) There was, on or prior to -----, a substantial change in the housing accommodations by a major capital improvement as distinguished from ordinary repair, replacement and maintenance, and the rent on -----, was fixed by a lease or other rental agreement which was in force at the time of such change.

(5) There was in force on ----- a written lease, for a term commencing on or prior to -----, requiring a rent substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on -----, or the housing accommodations were not rented on -----, but were rented during the two months ending on that date and the last rent for such accommodations during that two-month period was fixed by a written lease, for a term commencing on or prior to -----, requiring a rent substantially lower than the rent generally prevailing in the Defense-Rental Area for comparable housing accommodations on -----.

This Supplementary Amendment No. 9 to Maximum Rent Regulations for Housing Accommodations Other than Hotels and Rooming Houses shall become effective November 23, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 23d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12316; Filed, November 23, 1942;
4:17 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Supplementary Amendment 11 to Maximum Rent Regulations]

HOUSING ACCOMMODATIONS OTHER THAN HOTELS AND ROOMING HOUSES

Paragraph (b) of §§ 1388.11, 1388.61, 1388.111, 1388.161, 1388.211, 1388.261, 1388.311, 1388.361, 1388.411, 1388.461, 1388.511, 1388.561, 1388.611, 1388.661, 1388.711, 1388.761, 1388.811, 1388.861, 1388.911, 1388.961, 1388.1011, 1388.1651, 1388.1701, 1388.1751, 1388.1801, 1388.2051, 1388.3051, 1388.4051, 1388.5051, 1388.6051, 1388.7051, 1388.8051, 1388.31, 1388.131, 1388.231, 1388.281, and 1388.381 of Maximum Rent Regulations Nos. 1, 2, 3, 4, 5, 6,

The applicable date is to be inserted for each Maximum Rent Regulation. The respective date to be inserted in each Maximum Rent Regulation is as follows:

Nos. 1, 7, 9, 25, 39, 41, January 1, 1940; Nos. 2, 3, 4, 5, 6, 8, 11, 12, 13, 14, 15, 17, 18, 19, 20, 24, 26, 33, April 1, 1940; Nos. 10, 16, 27, 37, July 1, 1940; Nos. 47, 55, October 1, 1940; Nos. 28, 35, 43, 45, 49, 51, 53, March 1, 1941.

7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 24, 25, 26, 27, 28, 33, 35, 37, 39, 41, 43, 45, 47, 49, 51, 53, and 55, respectively, is amended by the addition to said paragraph (b) of a new subparagraph (4) as follows:

(4) Housing accommodations rented to the United States acting by the National Housing Agency: *Provided, however,* That this Maximum Rent Regulation does apply to a sublease or other subrenting of such accommodations or any part thereof.

This Supplementary Amendment No. 11 to Maximum Rent Regulations for Housing Accommodations Other than Hotels and Rooming Houses shall become effective November 24, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 23d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12317; Filed, November 23, 1942;
4:21 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[Ration Order No. 11, Amendment 10]

FUEL OIL RATIONING REGULATIONS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

In § 1394.5603, the phrase "November 23, 1942" is amended to read "December 1, 1942"; in paragraph (b) of § 1394.5604, the phrase "thirty (30) days" is amended to read "forty (40) days"; in paragraph (f) of § 1394.5653, the phrase "November 23, 1942" is amended to read "November 30, 1942" and in subparagraph (4) of that paragraph the phrase "November 30, 1942" is amended to read "December 30, 1942"; in paragraph (b) of § 1394.5707, the phrase "November 23, 1942" is amended to read "November 30, 1942"; in subparagraph (3) of that paragraph, the phrase "November 28, 1942" is amended to read "December 8, 1942" and in subparagraph (4) of the same paragraph, the phrase "November 30, 1942" is amended to read "December 30, 1942"; in paragraph (c) of § 1394.5731, the phrase "December 10, 1942" is amended to read "December 20, 1942"; and a new paragraph (j) is added to § 1394.5902; as set forth below:

Effective Date

§ 1394.5902 *Effective dates of amendments and corrections.* * * *

(j) Amendment No. 10 (§§ 1394.5603, 1394.5604 (b), 1394.5653 (f), 1394.5707 (b), and 1394.5731 (c)) shall become effective November 23, 1942.

(Pub. Law 671, 76th Cong., as amended by Pub Laws 89, 507 and 421 77th Cong.;

*Copies may be obtained from the Office of Price Administration.

17 F. R. 8480, 8708, 8809, 8897, 9316, 9396, 9492, 9427, 9430, 9620.

WPB Directive No. 1, 7 F.R. 562; Supp. Directive No. 1-0, 7 F.R. 8418; E.O. 9125, 7 F.R. 2719)

Issued this 23d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12319; Filed, November 23, 1942;
4:16 p. m.]

**PART 1399—CONSTRUCTION, OIL FIELD,
MINING, AND RELATED MACHINERY**
[MPR 134, Amendment 5]

**CONSTRUCTION AND ROAD MAINTENANCE
EQUIPMENT RENTAL PRICES AND OPERAT-
ING OR MAINTENANCE SERVICE CHARGES**

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 1399.15, Appendix A, is amended as follows:

Wherever the words, " * * * the maximum price established by any regulation issued by the Office of Price Administration for the sale of * * * to a purchaser of the same class as the lessor", appear in the printed matter following any of the headings for various types of equipment in the Table of Rates they are amended to read: " * * * the highest maximum price established by any regulation issued by the Office of Price Administration for the sale of * * * to any domestic class of purchasers".

Under the heading "Trenching Machines—Ladder Type", the word "feet" in the third and fourth columns is amended to read "inches".

After the heading, "Hose, Suction—Couplings Attached" a new heading and rates for "Hose, Discharge—Couplings Attached" are added and, under the heading "Pumps" the text is revoked and specific rates and a new text are added, as set forth below:

§ 1399.15 Appendix A: Table of rates.

**HOSE, DISCHARGE
COUPLINGS ATTACHED**

Diameter (inch)	Length (feet)	Per month	Per week	Per day
1 1/4	10	\$2.25	\$0.75	\$0.20
	12	2.65	0.90	0.25
	15	3.20	1.05	0.30
2	20	4.15	1.40	0.35
	10	2.80	0.95	0.20
	12	3.25	1.10	0.25
2 1/4	15	4.00	1.35	0.30
	20	5.15	1.70	0.40
	10	3.50	1.15	0.30
3	12	4.05	1.35	0.35
	15	4.75	1.50	0.40
	20	6.40	2.15	0.50
4	10	4.00	1.35	0.30
	12	4.65	1.55	0.40
	15	5.65	1.90	0.45
6	20	7.30	2.45	0.60
	10	5.30	1.75	0.45
	12	6.25	2.10	0.50
8	15	7.50	2.50	0.60
	20	9.65	3.20	0.80
	10	11.20	3.75	0.90
10	12	14.65	4.90	1.20
	15	15.30	5.10	1.30
	20	20.00	6.65	1.65

*Copies may be obtained from the Office of Price Administration.

17 F.R. 3203, 3411, 3447, 7001, 8386, 9054, 8948.

**PUMPS
CAISSON—STEAM**

Suction (inch)	Discharge (inch)	Per month	Per week	Per day
3	2	\$35.00	\$12.00	\$3.00
4	3	45.00	15.00	4.00
6	4	60.00	20.00	5.00
8	5	75.00	25.00	6.50
10	6	100.00	33.00	8.50

**CENTRIFUGAL—GASOLINE ENGINE DRIVEN
[Self-priming]**

	Per month	Per week	Per day
1 1/2 inch 3 M.	\$35.00	\$12.00	\$3.00
2 inch 7 to 10 M.	40.00	13.00	3.00
3 inch 15 to 20 M.	50.00	17.00	4.50
4 inch 30 to 40 M.	80.00	27.00	7.00
6 inch 75 to 90 M.	125.00	42.00	10.50
8 inch 125 M.	195.00	65.00	16.00
10 inch 175 to 225 M.	240.00	80.00	20.00

CENTRIFUGAL—NO POWER

[Single stage—Standard not self-priming for belt drive or direct connection]

Discharge openings	Per month	Per week	Per day
Up to 1 inch, inclusive	\$15.00	\$5.00	\$1.00
1 1/2 inch to 2 inch, inclusive	25.00	8.50	1.75
2 1/2 inch to 3 inch, inclusive	35.00	12.00	2.50
3 1/2 inch to 4 inch, inclusive	50.00	17.00	3.00
5 inch to 6 inch, inclusive	65.00	21.00	4.50

For multi-stage pumps (no power) the rates shall not exceed the single stage rates plus the following percentages:

	Percent
For 2 stage	50
For 3 stage	75
For 4 stage	100

For three months or more rental no additional charge shall be made for mounting engine on pump.

DIAPHRAGM

	Per month	Per week	Per day
Hand Power	\$8.00	\$5.00	\$1.00

DIAPHRAGM—GASOLINE ENGINE DRIVEN

[Force or open top]

Size (inch)	Action	From and not including H. P.	To and including H. P.	Per month	Per week	Per day
3	Single	4 1/2	9	\$35.00	\$12.00	\$3.00
3	Double	4 1/2	9	55.00	18.00	5.00
4	Single	4 1/2	9	70.00	23.00	5.75
4	Double	4 1/2	9	90.00	30.00	7.50
		4 1/2	9	60.00	20.00	5.00
		4 1/2	9	80.00	27.00	6.50

JETTING

Two-stage, split case, volute centrifugal pump, 3 inch discharge, 4 inch suction. Direct connected to 6 cylinder 70 H. P. Gasoline engine. About 450 gallons per minute at 175 l. s. pressure. Complete with 20 feet of 4 inch suction hose and foot valve and 10 feet of 3 inch high pressure discharge hose to be used between pipe line and pump. Mounted on steel base.

Size	Weight (pounds)	Per month	Per week	Per day
Approximately as above	4,000	\$300.00	\$125.00	\$32.50

**PUMPS—Continued
PLUNGER**

Size (inch)	From and not including H. P.	To and including H. P.	Per month	Per week	Per day
2	5	13	\$50.00	\$17.00	\$4.25
2	5	13	65.00	22.00	5.50
3	5	11	75.00	25.00	6.25
3	5	11	85.00	28.00	7.00
3	11	20	125.00	42.00	12.00
4	5	11	80.00	27.00	6.75
4	5	11	90.00	30.00	7.50
4	11	20	130.00	43.00	12.50

SUMP—PNEUMATIC

	Per month	Per week	Per day
Small	\$45.00	\$17.00	\$5.00
Medium	55.00	21.00	5.50
Tandem	70.00	23.00	8.00

For any pump-unit not listed in the foregoing table, the maximum monthly rate shall not exceed 9% of the highest maximum price established by any regulation issued by the Office of Price Administration for the sale of such pump-unit to any domestic class of purchasers. The maximum rate per week for such pump-unit shall not exceed 1/3 of such maximum monthly rate; the maximum daily rate shall not exceed 1/12 of such maximum monthly rate.

§ 1399.14a Effective dates of amendments.

(e) Amendment No. 5 (§ 1399.15) shall become effective as of October 22, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 23d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12320; Filed, November 23, 1942;
4:19 p. m.]

PART 1499—COMMODITIES AND SERVICES

[MPR 165, as Amended, Amendment 9]

SERVICES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

A new § 1499.115a is added as set forth below:

§ 1499.115a Adjustable pricing. Any person may offer or agree to adjust prices for services subject to this regulation to prices not in excess of the maximum prices in effect at the time the services are supplied. In an appropriate situation, where a petition for amendment or an application for adjustment has been filed and requires extended consideration, the Administrator (or his authorized representative) may, upon request, grant permission to agree to adjust prices for services supplied while the petition or application is pending, in accordance with its disposition. The Administrator (or his authorized representative) may also direct that the charges for services supplied while the petition or application is pending, be paid to the supplier or to a third party, and that they be earmarked and held until the petition or

application is finally disposed of by the Administrator and the maximum price for the service is determined.

§ 1499.121a Effective dates of amendments.

(i) Amendment No. 9 (§ 1499.115a) to Maximum Price Regulation No. 165 as amended, shall become effective November 28, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 23d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12321; Filed, November 23, 1942;
4:16 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Supp. Reg. 14¹ to GMPR,² Amendment 64]

STORAGE, ETC., OF CERTAIN FRUITS IN OREGON AND WASHINGTON

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

Subparagraph (27) of paragraph (a) of § 1499.73 is amended to read as set forth below:

§ 1499.73 Modification of maximum prices established by § 1499.2 of General Maximum Price Regulation for certain commodities, services and transactions.

(a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation for the commodities, services, and transactions listed below are modified as hereinafter provided:

(27) *Storage and warehousing of apples, pears, peaches, apricots, plums, and prunes in the States of Oregon and Washington—(i) Maximum prices—(a) Sellers supplying same service during 1941-42 season.* Maximum prices for the cold storage of apples, pears, peaches, apricots, plums and prunes, including handling in and out of warehouse, in the States of Oregon and Washington shall be determined, as to each seller supplying the same service during the 1941-42 season, by adding the amounts listed below to the highest prices of such seller for supplying such services to purchasers of the same class during the 1941-42 season.

*Copies may be obtained from the Office of Price Administration.

¹ 7 F.R. 5486, 5709, 6008, 5911, 6271, 6369, 6477, 6473, 6774, 6775, 6793, 7400, 6887, 6892, 6776, 6939, 7011, 7012, 6965, 7250, 7289, 7203, 7365, 7401, 7453, 7510, 7536, 7604, 7538, 7511, 7535, 7739, 7671, 7812, 7914, 7946, 8237, 8024, 8199, 8351, 8358, 8524, 8652, 9391, 8707, 8881, 8899, 9082, 8950, 9131, 8953, 8954, 8955, 8959, 9043, 9196, 9397.

² 7 F.R. 3153, 3330, 3666, 3990, 3991, 4339, 4487, 4659, 4738, 5027, 5276, 5192, 5365, 5445, 5775, 5784, 5783, 6058, 6081, 5484, 5565, 6007, 6216, 6615, 6794, 6939, 7093, 7322, 7454, 7758, 7913, 8431, 8881, 9004, 8942, 9435.

Service	Amount of increase
Cold storage of apples and pears other than cannery pears	3¢ per box.
Cold storage of cannery pears, cannery peaches, cannery apricots, cannery plums and cannery prunes	\$1.00 per ton.

Where the price of a seller during the 1941-42 season was on the basis of a single charge for the entire season or period of storage, the increase permitted above may be added to the seasonal charge of such seller. Where the price of a seller during the 1941-42 season was on the basis of a charge per month or other period shorter than the entire period of storage, the increase permitted above may be added by such seller to the charge for any particular period or may be divided among two or more periods, but the total increase for the entire period of storage may not exceed the amount specified above.

(b) *Sellers not supplying same service during 1941-42 season.* Maximum prices for the cold storage of apples, pears, peaches, apricots, plums, and prunes, including handling in and out of warehouse, in the States of Oregon and Washington shall be, as to each seller not supplying the same service during the 1941-42 season, the maximum prices established under inferior subdivision (i) (a) hereof for the most closely competitive seller of the same class who supplied such services during the 1941-42 season.

(c) *Effective date of increased maximum prices.* The maximum prices authorized by this subdivision (i) shall be effective as of the beginning of the 1942-43 season.

(ii) *Refund of additional amounts previously collected on a conditional basis.* Any person storing apples or pears in the State of Oregon or the State of Washington who, pursuant to Amendment No. 29 to Supplementary Regulation No. 14 to the General Maximum Price Regulation, made a conditional charge of an amount in excess of the increases authorized in subdivision (i) hereof shall immediately refund or remit such excess amount to the person to whom such charge was made.

(iii) *Definitions.* As used in this subparagraph (27), the term "season" refers to the period during which fruit maturing in a particular year remains in cold storage, the term "1941-42 season" refers to the period of storage of fruit maturing during 1941, and the term "1942-43 season" refers to the period of storage of fruit maturing during 1942.

(b) *Effective dates.*

(65) Amendment No. 64 (§ 1499.73 (a) (27)) to Supplementary Regulation No. 14 shall become effective November 28, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 23d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12322; Filed, November 23, 1942;
4:16 p. m.]

PART 1499—COMMODITIES AND SERVICES
[Order 116 Under § 1499.18 (b) of GMPR]

TIDEWATER VIRGINIA AREA

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1117 Adjustment of maximum prices for spinach baskets manufactured and delivered within the Tidewater Virginia area. (a) Any container manufacturer located in the Tidewater Virginia area may sell and deliver to persons located in that area, and any person located in the Tidewater Virginia area may buy and receive, spinach baskets (specifications: continuous stave "improved bushel tubs", with handles and octagon covers, but without loop fasteners) in carload or truck load quantities at a delivered price not higher than the price figured as follows: Deduct 30 cents per dozen baskets from the maximum delivered price which governs local sales of carload and truck load quantities of continuous stave "improved bushel tubs" with crown covers, loop fasteners, and handles, manufactured and sold by the company which prices its spinach baskets under this paragraph. The maximum price for the bushel basket with crown cover and loop fasteners is established either by the General Maximum Price Regulation or by Maximum Price Regulation No. 160 (Seasonal Wooden Agricultural Containers).

(b) When used in this order the term "Tidewater Virginia area" shall be construed to mean the following counties in the State of Virginia: Norfolk, Princess Anne, Nansemond, Northampton, Southampton; and Hertford County, North Carolina.

(c) This Order No. 116 may be revoked or amended by the Price Administrator at any time.

(d) This Order No. 116 (§ 1499.1117) is hereby incorporated as a section of Supplementary Regulation No. 14, which contains modifications of maximum prices established by § 1499.2.

(e) This Order No. 116 (§ 1499.1117) shall become effective November 24, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 23d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12323; Filed, November 23, 1942;
4:20 p. m.]

PART 1499—COMMODITIES AND SERVICES
[Order 117 Under § 1499.18 (b) of GMPR]

L. H. LINCOLN AND SON, INC.

Order No. 117 Under § 1499.18 (b) of the General Maximum Price Regulation—Docket No. GF3-2234.

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1118 Adjustment of maximum prices for sales of leather sponging and washing compounds by L. H. Lincoln and

Son, Incorporated. (a) The maximum prices for the sale of the following products by L. H. Lincoln and Son, Incorporated, Coudersport, Pennsylvania, shall be the prices set forth below:

Leather sponging compound, \$.0775 per pound, f. o. b. Coudersport
Leather washing compound, \$.10 per pound, f. o. b. Coudersport

(b) All discounts and trade practices in effect during March 1942 on the sale by L. H. Lincoln and Son, Incorporated, of leather sponging and washing compounds shall apply to the maximum prices set forth in paragraph (a).

(c) All prayers of the applicant not granted herein are denied.

(d) This Order No. 117 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 117 (§ 1499.1118) is hereby incorporated as a section of Supplementary Regulation No. 14 which contains modifications of maximum prices established by § 1499.2.

(f) This Order No. 117 (§ 1499.118) shall become effective November 24, 1942.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 23d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12324; Filed, November 23, 1942;
4:17 p. m.]

[Order 144 Under § 1499.3 (b) of GMPR]

PART 1499—COMMODITIES AND SERVICES

POROCCEL CORPORATION

For the reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1160 *Approval of maximum prices for Isocel manufactured by Porocel Corporation.* (a) Maximum prices for the sale by the Porocel Corporation, 260 South Broad Street, Philadelphia, Pennsylvania, of Isocel manufactured by that company shall be:

\$.16 per pound f. o. b. producer's plant, for sales in carload quantities
\$.1625 per pound f. o. b. producer's plant, for sales in less than carload quantities

(b) The Porocel Corporation may require a reasonable deposit for the return of drums in addition to the prices set forth above for Isocel. The amount of the deposit must be refunded to the purchaser when the purchaser returns the drums in good condition freight collect.

(c) On or before July 31, 1943, the Porocel Corporation shall furnish the Office of Price Administration a statement of its costs of producing Isocel for the period November 1, 1942 to June 30, 1943. Such report shall show the following costs per pound of Isocel:

(1) Raw material costs, (2) Direct manufacturing costs, (3) Plant overhead costs, (4) Administrative costs, (5) Other costs.

Thereafter, the Porocel Corporation shall submit to the Office of Price Administration such reports of its cost of

producing Isocel as the Office of Price Administration may from time to time require.

(d) This Order No. 144 may be revoked or amended by the Price Administrator at any time.

(e) This Order No. 144 (§ 1499.1160) shall become effective November 24, 1942. (Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 23d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12325; Filed, November 23, 1942;
4:17 p. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 145 Under § 1499.3 (b) of GMPR]

CATALIN CORPORATION

For reasons set forth in an opinion issued simultaneously herewith, *It is ordered:*

§ 1499.1161 *Maximum prices for sales of synthetic phenol by Catalin Corporation.* (a) The maximum price which the Catalin Corporation, a corporation incorporated under the laws of the State of Delaware, may charge for synthetic phenol produced by that corporation shall be 18.7 cents per pound, naked,

f. o. b. the plant of the Catalin Corporation, Matawan, New Jersey.

(b) The maximum price set forth in paragraph (a) shall be subject to adjustment at any time by the Office of Price Administration.

(c) Catalin Corporation shall submit such reports to the Office of Price Administration as it may, from time to time, require.

(d) This Order No. 145 may be revoked or amended by the Office of Price Administration at any time.

(e) This Order No. 145 (§ 1499.1161) shall become effective November 24, 1942.

Issued this 23d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12326; Filed, November 23, 1942;
4:19 p. m.]

[Ration Order 5C,¹ Amendment 1]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

MILEAGE RATIONING GASOLINE REGULATIONS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

All references to "November 21, 1942" are amended to read "November 30, 1942", and all references to "November 22, 1942" are amended to read "December 1, 1942"; paragraph (d) of § 1394.8218 is revoked; subparagraph (1) of paragraph (a) of § 1394.7602, paragraphs (a) and (d) of § 1394.7653, paragraphs (a) and

*Copies may be obtained from the Office of Price Administration.
¹ 7 F.R. 7135.

(b) of § 1394.7805, paragraphs (a), (b) and (c) of § 1394.7808, paragraph (d) of § 1394.8156, paragraphs (a), (c) and (d) of § 1394.8201, paragraph (c) of § 1394.8215, and § 1394.8351, are amended; and a new § 1394.8352 is added; as set forth below:

Administration, Personnel and Jurisdiction

§ 1394.7602 *Jurisdiction of boards over issuance of rations.* (a) * * *

(1) The issuance of basic rations: *Provided*, That during the period from November 9, 1942 to November 20, 1942, inclusive, such rations shall be issued only by registrars, in accordance with § 1394.7653;

Basic Rations

§ 1394.7653 *Application for and issuance of basic rations.* (a) Application for a basic ration book shall be made on Form OPA R-534. During the period from November 9, 1942 to November 20, 1942, inclusive, application shall be made at any application site designated by the Office of Price Administration. After November 20, application shall be made to a Board: *Provided*, That a Board may refuse to accept applications for basic rations prior to December 3, 1942 except for good cause shown for failure to apply at an application site. A separate application shall be made for each passenger automobile or motorcycle for which a basic ration is sought.

(d) Pursuant to such application, a basic ration shall be issued during the period from November 9, 1942, to November 20, 1942, inclusive, by any registrar appointed under paragraph (a) or (b) of § 1394.7601. After November 20, 1942, a basic ration shall be issued by a Board. The Board shall remove from any Class A book issued subsequent to December 1, 1942, all expired coupons and one currently valid coupon for each full eight days which have elapsed in the valid period during which such book is issued. In the case of a Basic D book issued after December 1, 1942, one coupon shall be removed for each full eight days which have elapsed since December 1, 1942.

Transport Rations

§ 1394.7805 *Issuance of transport ration.* (a) Except as provided in paragraph (c) of this section, no transport ration shall be issued unless the applicant has presented to the Board, at the time of application, a currently valid single unit certificate or, in the case of a fleet, a fleet certificate issued for the fleet for which a ration is sought. Except as provided in § 1394.7806, no transport ration may be issued which will allow the applicant to acquire gasoline in excess of the maximum allowed by such certificate for the quarterly period for which the ration is sought and no transport ration shall be issued more than thirty (30) days prior to the beginning of the quarterly period during which it is to be used: *Provided*, That transport rations issued for use prior to January 1, 1943, shall not allow an amount of gasoline (other than gasoline allowed pursuant to

§ 1394.7806) in excess of the maximum number of gallons of gasoline allowed by the certificate for the first quarter of 1943 plus eighty (80) per cent of the maximum number of gallons of gasoline allowed by the certificate for the remaining portion of the year 1942: *Provided, further*, That in the issuance of any transport ration for use prior to January 1, 1943, the Board shall deduct the number of gallons which have been allowed in the issuance of any temporary transport ration for the vehicle covered by the application.

(b) The Board shall examine the single unit certificate or the fleet certificate submitted and shall insert at the appropriate place provided in the application the maximum number of gallons of gasoline allowed by such certificate for the period for which the ration is sought. The Board shall allow the maximum number of gallons of gasoline permitted under paragraph (a) of this section, or the quantity of gasoline required by the applicant during the period or periods for which the ration is sought as stated in the application, whichever is less. The Board shall issue Class T-1 or T-2 books or bulk coupons in sufficient number to provide the number of gallons of gasoline allowed by it.

§ 1394.7808 *Temporary transport rations.* (a) Any person requiring gasoline for the operation of a commercial motor vehicle who has made application for a certificate of war necessity but who has received no notice of any action thereon may apply between November 23, 1942, and December 31, 1942, inclusive, for a temporary transport ration pursuant to the provisions of paragraph (b) of this section, and no certificate of war necessity shall be required to be presented in connection therewith.

(b) An application for a temporary transport ration may be made, in duplicate, to any Board during the period from November 23, 1942, to December 31, 1942, inclusive. Such application shall be made on Form OPA R-536, and may be made by an agent. The applicant shall state the mileage and gallonage required for the operation of such motor vehicle from the date the ration is required to December 31, 1942, inclusive, and shall specify the address of the District Office of the Office of Defense Transportation with which the application for a certificate of war necessity has been filed, the date on which such application was filed, and the address of the Board with which his application pursuant to § 1394.7804 is to be filed. The applicant shall also state that no ration pursuant to § 1394.7805 has been issued, and that he has received no notice of any action on his application for a certificate of war necessity for the vehicle or vehicles for which a ration is sought. The word "temporary" shall be clearly noted on the application.

(c) The Board shall determine the number of gallons of gasoline required during such period for the operation of such motor vehicle. The Board shall then issue "T-1" or "T-2" books contain-

ing coupons in sufficient number to provide the gallonage needed to December 31, 1942, inclusive. Such books shall expire at 12:01 A. M. on April 1, 1943.

General Provisions With Respect to Transfers and Use

§ 1394.8156 Emergency transfers.

(d) Any Regional Administrator of the Office of Price Administration who finds that there has been such delay in the issuance of rations as of December 1, 1942, as to jeopardize the movement of trucks, busses, or other essential vehicles for which no basic ration is issuable, may by declaration designate the states within his region in which such delay has occurred and specify the types of vehicles affected thereby. Such declaration shall continue in effect until December 13, 1942, or such earlier date as he may determine. During the effective period of such declaration, the operator of a vehicle of a type specified therein, licensed or operated in a state designated therein, may acquire gasoline for use in such vehicle by signing an Emergency Receipt on Form OPA R-555, in duplicate: *Provided*, That gasoline may be so acquired for a vehicle only during the interval between the date of application for a ration for such vehicle and the date of receipt or denial of such ration. Any dealer who has made a transfer of gasoline in exchange for an emergency receipt pursuant to this paragraph shall transmit such receipt, in duplicate, to the Board having jurisdiction over the area in which his place of business is located and such Board shall issue inventory coupons to him, in exchange for such receipt, in accordance with the procedure specified in paragraph (c) of this section.

Replenishment and Audit

§ 1394.8201 *Registration of inventory and capacity.* (a) Every dealer and intermediate distributor shall take a physical inventory of his total gasoline supplies on hand as of 12:01 a. m., December 1, 1942, and shall, on December 1 or 2, 1942, register (on Form OPA R-545) with the Board having jurisdiction of the area in which such a place of business is located, at the hours provided by the Board, the following matters, together with such other information as may be required:

- (1) His name, firm name, business address and type of business.
- (2) His total gasoline storage capacity.
- (3) His total inventory of gasoline on hand as of 12:01 a. m., December 1, 1942.
- (4) A certification as to the truth of each of the foregoing items of information.

(c) Every licensed distributor who operates a place of business at which functions corresponding to those of a dealer or intermediate distributor are performed, and which, under the terms of § 1394.7551 (a) (17), is deemed to be a part of his facilities as a licensed dis-

tributor, and every person who receives gasoline from a licensed distributor on consignment for purposes of sale, shall register each such place of business (on Form OPA R-545) on December 1 or 2, 1942, with the Board having jurisdiction of the area in which each such place of business is located: *Provided*, That neither the inventory of gasoline on hand nor the gasoline storage capacity shall be registered, but only the name of the licensed distributor or consignee operating such place of business, a statement that the place of business is operated by a consignee, and a certification as to the truth of this information.

(d) Notwithstanding the provisions of paragraphs (a), (b) and (c) of this section, no dealer or distributor whose place of business has been registered with a Board pursuant to the provisions of Ration Order No. 5A shall, except as provided in §§ 1394.8220, 1394.8224, 1394.8225 and 1394.8226, again register such place of business or receive inventory coupons representing the unfilled gasoline storage capacity of such place of business: *Provided*, That any licensed distributor who registered, pursuant to the provisions of Ration Order No. 5A, facilities which, under the terms of § 1394.7551 (a) (17), are deemed for purposes of Ration Order No. 5C to be a part of his facilities as a licensed distributor, and received inventory coupons for the unfilled gasoline storage capacity of such facilities, shall re-register such facilities, on December 1 or 2, 1942, as licensed distributor facilities, and surrender to the Board for cancellation inventory coupons or other evidences equal in gallonage value to the coupons originally issued to represent his unfilled gasoline storage capacity.

§ 1394.8215 Transfer and surrender of expired coupons.

(c) On and after December 11, 1942, but not later than December 15, 1942, in the case of Class S ration coupons, and on and after ten (10) days but not later than fifteen (15) days after the expiration dates of Class A ration coupons, each dealer or distributor who has in his possession or control Class S or expired Class A ration coupons shall surrender such coupons, summarized on Form OPA R-541, to the Board having jurisdiction over the area in which his place of business is located. The Board shall issue to a distributor in exchange for such coupons one or more exchange certificates, in accordance with the provisions of § 1394.8214. The Board shall issue to a dealer in exchange for such coupons inventory coupons equal in gallonage value to the coupons so surrendered. After December 15, 1942, in the case of Class S ration coupons, and after fifteen (15) days from the expiration date of any Class A ration coupons, such coupons are void, and no gasoline may be transferred in exchange therefor, and no exchange certificate, inventory coupons, or other evidence may be issued to a dealer or distributor in exchange for Class S or expired Class A ration coupons.

Effective Dates

§ 1394.8351 *Effective dates.* (a) Ration Order No. 5C shall become effective on November 9, 1942, except that the provisions of §§ 1394.8151 to 1394.8180, inclusive, and §§ 1394.8201 to 1394.8227, inclusive, shall become effective December 1, 1942.

(b) On and after December 1, 1942, Ration Order No. 5C, §§ 1394.7501 to 1394.8351, inclusive, supersedes Ration Order No. 5A, §§ 1394.161 to 1394.2001, inclusive: *Provided, however,* That Ration Order No. 5A and all amendments thereto shall continue to remain in full force and effect for the purpose of allowing or sustaining any suit, action, prosecution or administrative or other proceeding heretofore or hereafter commenced with respect to any violation committed or right or liability incurred under or pursuant to the terms thereof prior to December 1, 1942.

§ 1394.8352 *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1394.7602 (a) (1), 1394.7653 (a) and (d), 1394.7805 (a) and (b), 1394.7808 (a), (b) and (c), 1394.8156 (d), 1394.8201 (a), (c), and (d), 1394.8215 (c), 1394.8218 (d), 1394.8351, and 1394.8352) to Ration Order No. 5C shall become effective November 21, 1942.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 507 and 421, 77th Cong.; W.P.B. Dir. No. 1; Supp. Dir. No. 1 Q, 7 F.R. 562, 9121; E.O. 9125, 7 F.R. 2719)

Issued this 21st day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12318; Filed, November 23, 1942;
4:18 p. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter III—Grazing Service

PART 502—LIST OF ORDERS CREATING OR MODIFYING GRAZING DISTRICTS

ADDITION TO WYOMING GRAZING DISTRICT NO. 2

Under and pursuant to the provisions of section 1 of the act of June 28, 1934, as amended (48 Stat. 1269; 49 Stat. 1976; 43 U.S.C. 315), known as the Taylor Grazing Act, Wyoming Grazing District No. 2 established October 31, 1936,¹ is amended to include the following-described lands:

SIXTH PRINCIPAL MERIDIAN

T. 35 N., R. 95 W.,
T. 36 N., R. 95 W.

ABE FORTAS,

Acting Secretary of the Interior.

NOVEMBER 4, 1942.

[F. R. Doc. 42-12328; Filed, November 24, 1942;
9:53 a. m.]

¹ Affects tabulations in § 502.1e.

TITLE 46—SHIPPING

Chapter IV—War Shipping

Administration

PART 301—GENERAL REGULATIONS

[General Order No. 27]

SALE OR CHARTER OF CERTAIN VESSELS

Whereas under Executive Order No. 9054, dated February 7, 1942, and Executive Order No. 9244, dated September 16, 1942, the President of the United States has directed the Administrator, War Shipping Administration, to perform certain functions and duties and has granted the Administrator certain powers in connection therewith to assure the most effective utilization of the shipping of the United States for the successful prosecution of the war; and

Whereas it is essential in order to achieve the objectives of said Executive Orders that the sale and charter of certain vessels be subject to the approval of the Administrator, War Shipping Administration.

Now therefore, by virtue of the power vested in me by the aforesaid Executive Orders, *It is hereby ordered,* That:

§ 301.4 *Conditions governing sale or charter of certain vessels.* (a) The sale or charter to citizens of the United States of the following vessels is hereby prohibited unless approved by the Administrator, War Shipping Administration:

(1) All self-propelled vessels, including sailing vessels, of 200 gross tons or over documented under the laws of the United States or owned or controlled by citizens of the United States;

(2) All vessels not self-propelled of 1,000 gross tons or over including barges documented under the laws of the United States or owned or controlled by citizens of the United States.

(b) The responsibility of submitting to the Administrator for his approval the proposed sale or charter of vessels as above recited shall rest equally upon the owner and proposed purchaser or charterer. Applications for the Administrator's approval shall follow substantially the form annexed hereto.

(c) Nothing in this order shall be construed or deemed to modify, or rescind or otherwise change existing orders and regulations of the United States Maritime Commission with respect to the sale, or charter, or transfer of vessels to aliens or foreign registry.

(E.O. 9054, 9244; 7 F.R. 837, 7327)

[SEAL]

E. S. LAND,
Administrator.

NOVEMBER 23, 1942.

APPLICATION FOR APPROVAL PURSUANT TO
GENERAL ORDER NO. 27

(To be submitted in triplicate)

Date _____

To: War Shipping Administration
Washington, D. C.

I. Name of owner _____
Address _____

II. Name of purchaser _____
Charterer _____; Address _____

III. Name of vessel _____; Official No. _____; Type _____; Age _____; Flag _____; Size (gross) _____ (d. w. t.); In operation _____; Where _____; Laid up _____; Where _____; How long _____; Are any preferred mortgages recorded against vessel _____

IV. If vessel to be sold:
(a) State business of purchaser _____
(b) If not wholly owned by citizens of the United States, state percentage, names, and addresses of alien interests _____
(c) Describe trade in which vessel to be employed by purchaser _____
(d) Sales price _____

Terms _____
V. If vessel to be chartered:
(a) State business of charterer _____
(b) If not wholly owned by citizens of the United States, state percentage, names, and addresses of alien interests _____
(c) Form of charter _____ Duration _____
Charter rate _____
(d) Trading limits _____
(e) Commodities to be carried _____
(f) Loading date _____

NOTE: Applicant must submit certified copy of executed Charter Party with application, if possible. Advance approval may be obtained, however, in case of urgency, of above details submitted by telegram and later confirmed by letter with copy of Charter Party.

(Signature of applicant)

[F. R. Doc. 42-12330; Filed, November 24, 1942;
10:37 a. m.]

PART 321—DIRECTIVES

[Directive 5, Amendment 1]

FORWARDING AND TRANSPORTATION OF
WATERBORNE FOREIGN COMMERCE

Amending § 321.5. The form prescribed in paragraph (a) of § 321.5 *Directive No. 5, Forwarding and Transportation of Waterborne Foreign Commerce*, is hereby amended, as follows:

1. Strike out the words "Received on board" in the first sentence and substitute in lieu thereof the words "Received for shipment";

2. Insert between the line marked "Port of Discharge from Ship" and "Particulars Furnished by Shipper of Goods" a line marked "Serial Number of Forwarding Authorization".

3. Strike out the present signature provisions and insert in lieu thereof, the following:

For The Master,
By: (Name of agent to be inserted as required)
As Agent for the Master
By: _____

Directive No. 5 is further amended by adding the following new paragraph (d) at the end thereof:

The carrier, master of the vessel, or agent of the vessel or of the carrier at the port of shipment shall note upon such number of original bills of lading as may be required by the Forwarding Regulations of the War Shipping Administration, the name of the ship upon which the material was loaded, and the

date when such loading was completed. Such notation shall be made prominently upon the face of the bill of lading by rubber stamp in the following form:

Received on Board MS/SS _____
At _____ (Name of port) on
(date) _____.

The Lend-Lease Administrator concurs in these amendments.

(E.O. 9054, 9244, 7 F.R. 837, 7327)

[SEAL] E. S. LAND,
Administrator.

NOVEMBER 24, 1942.

[F. R. Doc. 42-12345; Filed, November 24, 1942;
11:31 a. m.]

PART 321—DIRECTIVES

[Directive 6]

FORWARDING AND TRANSPORTATION OF WATERBORNE FOREIGN COMMERCE

Directive with respect to forwarding and transportation of waterborne foreign commerce of the United States issued by the Administrator, War Shipping Administration.

To all persons (including departments, agencies and officers of the United States) engaged in the procurement, transportation or forwarding of Lend-Lease cargo, or cargo procured, transported or forwarded for the government of any country whose defense has been deemed by the President to be vital to the defense of the United States pursuant to the Act of March 11, 1941 (which government is hereinafter referred to as a Lend-Lease government):

By virtue of the authority vested in the Administrator, War Shipping Administration, by the Act of March 14, 1942 (Public Law 498, 77th Congress), by Executive Order 9054, dated February 7, 1942, as amended; and pursuant to Directive No. 4 of November 3, 1942, of the Administrator, War Shipping Administration (7 F.R. 8967), it is hereby directed:

§ 321.6 *Directive No. 6.* (a) Upon the delivery of any of the cargo included within the scope of the aforesaid Directive No. 4 into the custody of the ocean carrier by or on behalf of the War Shipping Administration, the said carrier shall issue to, or cause to be issued to, the War Shipping Administration, or its designees, a dock receipt acknowledging that the carrier has received the merchandise for ocean carriage.

(b) The dock receipt will be a "short" form incorporating, by reference, the ocean carrier's usual form of dock receipt, in the following language:

"Received the above described merchandise for shipment as indicated hereon, subject to all conditions of the undersigned's usual form of dock receipt and bill of lading. Copies of the undersigned's usual form of dock receipt and bill of lading may be obtained from the Master of the vessel, the vessel's agent, or from the War Shipping Administration, Washington, D. C."

(c) All dock receipts shall be in non-negotiable form, and marked: "receipt

for cargo delivered to dock—not negotiable."

(d) Any form of dock receipt issued pursuant to this Directive may have imprinted upon it such marks and other data as may be prescribed for or convenient for identification of the cargo, and shall be designated as "Warship-shortdock Receipt".

(e) The dock receipt shall provide for such descriptive and identifying matter as may be required by and shall be in the form prescribed by the agencies of the War Shipping Administration engaged in the forwarding of Lend-Lease materials as defined herein.

(f) This Directive shall become effective December 1, 1942.

(E.O. 9054, 9244, 7 F.R. 837, 7327)

[SEAL] E. S. LAND,
Administrator.

NOVEMBER 24, 1942.

[F. R. Doc. 42-12346; Filed, November 24, 1942;
11:31 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-43]

WYATT, INC.

ORDER WITHDRAWING NOTICE OF AND ORDER FOR HEARING, CANCELLING HEARING, AND TERMINATING MATTER WITHOUT PREJUDICE

In the matter of Wyatt, Inc., Registered Distributor, Registration No. 9907, Respondent.

The above-entitled matter having been instituted by a Notice of and Order for Hearing dated October 24, 1941, and an answer having been filed therein by said respondent on February 19, 1942, in which it was stated that the excessive discounts referred to in such notice were accepted by the distributor as a result of an honest mistake and have been returned to the producer; and

The hearing in the above-entitled matter having been postponed by Order of the Acting Director issued December 4, 1941, to a date and place to be thereafter designated by an appropriate order; and

The Director upon the basis of said answer and other information furnished to the Division by the respondent deeming it advisable that said Notice of and Order for Hearing should be withdrawn, that the said hearing should be cancelled and that the above-entitled matter should be terminated without prejudice;

Now, therefore, It is ordered, That the said Notice of and Order for Hearing dated October 24, 1941, be and the same hereby is withdrawn; and

It is further ordered, That the hearing heretofore scheduled in the above-entitled matter be and the same hereby is cancelled; and

It is further ordered, That the above-entitled matter be and the same hereby is terminated without prejudice.

Dated: November 20, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-12294; Filed, November 23, 1942;
12:37 p. m.]

[Docket No. B-344]

CARL HAFNER AND SONS

NOTICE OF AND ORDER FOR HEARING

In the matter of Carl Hafner, John Hafner and Herbert Hafner, individually and as co-partners, trading under the name and style of Carl Hafner and Sons, Code Member.

A complaint dated October 29, 1942, pursuant to the provisions of section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), having been duly filed on November 2, 1942, by Bituminous Coal Producers Board for District No. 2, a district board, complainant, with the Bituminous Coal Division (the "Division"), alleging wilful violation by Carl Hafner, John Hafner and Herbert Hafner, individually and as co-partners, trading under the name and style of Carl Hafner and Sons, RFD No. 2, Lake Lynn, Pennsylvania (the "Code Member"), of the Bituminous Coal Code (the "Code"), or rules and regulations thereunder:

It is ordered, That a hearing in respect to the subject matter of such complaint be held on January 12, 1943, at 10 a. m. at a hearing room of the Bituminous Coal Division at White Swan Hotel, Uniontown, Pennsylvania.

It is further ordered, That W. A. Cuff, or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, to take evidence, and to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Code Member and to all other parties herein and to all persons and entities having an interest in this proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Act, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the Code Mem-

ber; and that failure to file an answer within such period, unless otherwise ordered, shall be deemed to be an admission of the allegations of the complaint herein and a consent to the entry of an appropriate order on the basis of the facts alleged.

Notice is also hereby given that if it shall be determined that the Code Member has wilfully committed any one or more of the violations alleged in the complaint, an order may be entered either revoking the membership of the Code Member in the Code and the Code Member's right to an exemption from the taxes imposed by section 3520 (b) (1) of the Internal Revenue Code, or directing the Code Member to cease and desist from violating the Code and regulations made thereunder.

All persons are hereby notified that the hearing in the above entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Notice is also hereby given that any application, pursuant to § 301.132 of the Rules of Practice and Procedure before the Division for the disposition of this proceeding without formal hearing, must be filed not later than fifteen (15) days after receipt by the Code Member of the complaint herein.

The matter concerned herewith is in regard to the complaint filed by said complainant alleging that said Carl Hafner, John Hafner and Herbert Hafner, individually and as copartners, trading under the name and style of Carl Hafner and Sons, a code member, R. F. D. No. 2, Lake Lynn, Pennsylvania, whose code membership became effective November 22, 1940, and who operate the Hafner Mine, Mine Index No. 1879, located in Fayette County, Pennsylvania, in Sub-district 3 of District No. 2, wilfully violated the Act, the Code, and rules and regulations thereunder as follows:

1. By selling for truck shipment subsequent to December 11, 1940, at prices below the effective minimum price established therefor, coal for conversion into coke at beehive coke ovens in Market Area 7, including the sale for truck shipment, during the period June 4, 1941 to September 24, 1941, both dates inclusive, of approximately 1096.025 net tons of run of mine (Size Group 8) coal, produced by said code member at the said Hafner Mine, to C. Ray Wolfe, Walter Wolfe, and Ray Wolfe, individually and as copartners trading under the name and style of Ray Wolfe & Company, R. F. D. No. 1, Smithfield, Pennsylvania, a code member who operates the Williams No. 2 Mine, Mine Index No. 1806 in Fayette County, Pennsylvania, in District 2, for conversion into coke at beehive coke ovens in Market Area 7, at \$1.25 per net ton, f. o. b. said Hafner Mine, whereas said coal for said conversion was priced at \$2.00 per net ton, f. o. b. said Hafner Mine in the Schedule of Effective Minimum Prices for District 2 for Truck Shipments, as supplemented and amended by Order is-

sued in Docket No. A-406, on December 30, 1940, thereby resulting in wilful violation of section 4 Part II (e) of the Act and Part II (e) of the Code:

2. By failing to file with the Statistical Bureau for District No. 2 not later than five days after the first day and the 15th day of each month, duplicate copies of each sales slip or invoice covering the sales of coal produced at said mine by said code member for shipment by truck during the period November 22, 1940 to December 30, 1940, both dates inclusive, as required by order of the Division No. 296, dated September 23, 1940;

3. By failing to maintain and keep on file for each sale, resale, consignment, shipment, or other disposal or movement of coal by truck or wagon from said mine during the period January 1, 1941 to March 31, 1941, both dates inclusive, a copy of each truck ticket, sales slip, invoice, other memoranda, or record covering such transaction, as required by order of the Division No. 307, dated December 11, 1940;

4. By failing to maintain and keep on file for each sale, resale, consignment, shipment, or other disposal or movement of coal by truck or wagon from said mine during the period April 1, 1941 to the date hereof, both dates inclusive, a copy of each truck ticket, sales slip, invoice, other memoranda, or record covering such transaction, as required by order of the Division No. 312, dated February 24, 1941.

Dated: November 20, 1942.

[SEAL]

DAN H. WHEELER,
Director.

[F. R. Doc. 42-12295; Filed, November 23, 1942;
12:38 p. m.]

[Docket No. B-345]

BURKHARDT CONSOLIDATED CO.

NOTICE OF AND ORDER FOR HEARING

In the matter of the Burkhardt Consolidated Company, registered distributor, Registration No. 1265.

The Bituminous Coal Division (the "Division"), finds it necessary in a proper administration of the Bituminous Coal Act of 1937 (the "Act") and the Bituminous Coal Code (the "Code") promulgated thereunder to determine:

A. Whether the Burkhardt Consolidated Company, Registered Distributor, Registration No. 1265 (hereinafter sometimes referred to as the "Distributor") whose address is 918 Brown Street, Akron, Ohio, has violated any provision of the Act, the Code and Orders of the Division, including the Marketing Rules and Regulations, Rules and Regulations for the Registration of Distributors, and its Distributors' Agreement (the "Agreement"), dated July 18, 1940, and filed with the Division on July 20, 1940, by said distributor pursuant to an Order of the Division, dated June 19, 1940, and more particularly whether subsequent to September 30, 1940, said distributor:

(1) Acting as a distributor, purchased from Clyde A. Wallick, code member, operator of the Wallick Mine, Mine Index No. 1841, located in Franklin Township, Tuscarawas County, Ohio, District No. 4,

for resale and resold to Summit County Children's Home, Akron, Ohio, approximately 446.5 tons of 1¼" nut, pea, and slack coal and approximately 21.875 tons of 2" crushed mine run coal, during the period November 8, 1940 to and including June 27, 1941, at truck delivered prices of \$2.65 and \$2.70 per ton, respectively, and accepted and retained a discount of 17¢ per ton from the effective minimum prices thereof, which discounts were in excess of the maximum allowable discounts of 12¢ per ton, prescribed by the Division by Order of the Director issued in General Docket No. 12, on June 19, 1940; and actually delivered said coal in less than carload lots and not in a continuous flow, as a result of which, said transactions, jointly and severally, constituted violations of paragraphs (a) and (d) of its Agreement, and § 304.10 (b) of the Rules and Regulations for the Registration of Distributors.

(2) Acting as a distributor, purchased from said Clyde A. Wallick, for resale and resold to Akron Pure Milk Company, Akron, Ohio, approximately 52.17 tons of 2" crushed mine run coal, during the period October 14, to October 20, 1941, both dates inclusive, at a truck delivered price of \$2.70 per ton, and accepted and retained a discount of 12¢ per ton from the effective minimum prices therefor, and delivered said coal in less than carload lots and not in a continuous flow, as a result of which, said transactions, jointly and severally, constituted violations of § 304.10 (b) of the Rules and Regulations for the Registration of Distributors, and paragraph (d) of the Agreement.

(3) Acting as a distributor, purchased from said Clyde A. Wallick, for resale and resold to Summit County Children's Home, Akron, Ohio, approximately 159.05 tons of 1¼" nut, pea and slack coal, during the period December 1, 1941 to January 30, 1942, both dates inclusive, at a truck delivered price of \$2.75 per ton, and accepted and retained a discount of 12¢ per ton from the effective minimum prices therefor, and delivered said coal in less than carload lots and not in a continuous flow, as a result of which, said transactions, jointly and severally, constituted violations of § 304.10 (b) of the Rules and Regulations for the Registration of Distributors, and paragraph (d) of the Agreement.

(4) Acting as a distributor, purchased from said Clyde A. Wallick, for resale and resold to Summit County, Maintenance Department, Akron, Ohio, approximately 52.225 tons of mine run coal, during the period December 3, 1941 through December 31, 1941, both dates inclusive, at a truck delivered price of \$3.25 per ton, and accepted and retained a discount of 12¢ per ton from the effective minimum prices therefor, and delivered said coal in less than carload lots and not in a continuous flow, as a result of which, said transactions, jointly and severally, constituted violations of § 304.10 (b) of the Rules and Regulations for the Registration of Distributors, and paragraph (d) of the Agreement.

B. Whether the registration of said Burkhardt Consolidated Company, Reg-

istered Distributor, Registration No. 1265, should be revoked or suspended or other appropriate penalties imposed.

It is, therefore, ordered, That a hearing pursuant to § 304.14 of the Rules and Regulations for the Registration of Distributors, to determine whether the aforementioned Burkhardt Consolidated company has committed violations in the respects heretofore described and whether the registration of said Distributor, should be revoked or suspended, or other appropriate penalties imposed be held at Akron P. O. Bldg., Civil Service Room 207, Akron, Ohio, at 10 a. m., on January 12, 1943.

It is further ordered, That W. A. Cuff, or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Distributors and to all persons and entities having an interest in such proceeding.

Notice is hereby given that answer setting forth the positions of said Distributor with reference to the matters hereinbefore described, shall be filed with the Bituminous Coal Division at its Washington Office or with any one of the field offices of the Division, within twenty (20) days after date of service hereof on said Distributor, and that failure to file an answer herein within such period, unless the presiding officer shall otherwise order, shall be deemed to be an admission by said Distributor so failing of the commission of the violations hereinbefore described and a consent to the entry of an appropriate order thereon.

Notice is also hereby given that any application or applications pursuant to § 301.132 of the Rules of Practice and Procedure for the Division for the disposition of this proceeding without formal hearing must be filed not later than fifteen (15) days after receipt by said Distributor of this Notice of and Order for Hearing.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged herein, other matters incidental and related thereto, whether raised by amendment, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Dated: November 23, 1942.

[SEAL]

DAN H. WHEELER,
Director.

[F. R. Doc. 42-12350; Filed, November 24, 1942;
12:00 m.]

[Docket No. B-310]

SOUTHWESTERN ILLINOIS COAL
CORPORATION

NOTICE OF FILING, ETC.

Notice of filing amended application pursuant to § 301.132 for disposition of proceeding without formal hearing.

Notice is hereby given that Southwestern Illinois Coal Corporation, a corporation and a code member in District No. 10, having its principal place of business at 1317 Fletcher Trust Building, Indianapolis, Indiana, filed with the Bituminous Coal Division (the "Division") on November 12, 1942, an amended application dated September 22, 1942, pursuant to § 301.132 of the Rules and Regulations of the Division for the disposition of this proceeding without formal hearing. Said amended application was clarified by a verified statement of the code member filed with the Division on October 19, 1942.

The complaint herein dated August 5, 1942, filed with the Division on August 7, 1942, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act") by the Bituminous Coal Producers Board for District No. 10, alleges that the code member wilfully violated section 4 II (e) of the Act and Part II (e) of the Bituminous Coal Code (the "Code") (1) by selling through its sales agent, Walter Bledsoe & Co., to the National Lead Co., Carondolet, Missouri, at a price of \$1.00 per net ton f. o. b. code member's Streamline Mine, Mine Index No. 165, approximately 4075.2 net tons of 1½" washed screenings (Size Group No. 24) produced at said mine prior to October 1, 1940, and delivered to said purchaser during the months of October and December 1940, and January and February 1941, whereas the effective minimum f. o. b. mine price for said coal was \$1.40 per net ton which transactions were contrary to the Director's ruling dated September 25, 1940, to the effect that where a code member after October 1, 1940, retained an interest or control over certain coal or remained under obligation to perform a further act in order to make the coal available for use by the purchaser, the effective minimum f. o. b. mine price established for such coal is applicable to such coal, or (2) by selling through said sales agent and delivering said coal during the months of October and November 1940 and January and February 1941 to the National Lead Company at \$1.00 per net ton f. o. b. mine, whereas the effective minimum price for said coal was \$1.40 per net ton.

In said amended application and statement of clarification, the code member:

(a) Admits the wilful violation of section 4 II (e) of the Act and Part II (e) of the Code by the sale of 4075.2 net tons of 1½" washed screenings (Size Group No. 24) at \$1.00 per net ton to the National Lead Company, Carondolet, Missouri, on April 1, 1939, and the concurrent execution of a lease and license agreement with said purchaser for storage of said coal on the code member's real estate, from which storage pile 2556.2 net tons

were loaded by the code member into railroad cars for delivery and delivered to said purchaser during the period from October 1, 1940, to and including December 31, 1940, and the balance of 1519 net tons thereof was loaded into railroad cars by the code member for delivery and delivered to said purchaser during the period from January 1, 1941, to and including February 5, 1941, which latter period was subsequent to the termination of said lease and license agreement;

(b) Consents (1) with respect to the 2556.2 net tons of coal loaded and delivered during the period from October 1, 1940, to December 31, 1940, to the entry of a general cease and desist order which shall continue in full force and effect upon any restoration of code membership, and (2) with respect to the 1519 net tons loaded and delivered to said purchaser during the period from January 1, 1941, to and including February 5, 1941, to the entry of an order of revocation of its code membership requiring the payment of a tax in the amount of \$829.37 as a condition precedent to the restoration of its code membership and agrees to pay said tax within fifteen (15) days after the entry of said order of revocation;

(c) States that to the best of its belief and knowledge it has not committed any other violations of the Act, the Code, or rules and regulations thereunder, other than those referred to in (a) above.

Interested parties may file with the Division recommendations or requests for informal conferences in respect to such amended application within fifteen (15) days from the date of this notice.

Dated: November 21, 1942.

[SEAL]

DAN H. WHEELER,
Director.

[F. R. Doc. 42-12351; Filed, November 24, 1942;
12:00 m.]

[Docket A-1665]

DISTRICT BOARD 8

MEMORANDUM OPINION, ETC.

In the matter of the petition of District Board No. 8 for a change in mine name and seam designation for the Rennebaum Mine.

Memorandum opinion and order granting motion to amend petition, amending petition, terminating temporary relief heretofore granted, granting temporary relief and conditionally providing for final relief, and cancelling hearing.

A petition dated September 28, 1942, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, was filed with the Division on September 29, 1942, by Bituminous Coal Producers Board for District No. 8, the petitioner in the above-entitled matter, requesting that coals produced by the Rennebaum Coal Company, a code member producer located in District 8, at its Rennebaum Mine, Mine Index No. 401, in the Sterling Seam, when loaded and mixed with coals mined by this producer at its Rennebaum Mine No. 2, Mine Index No. 3817, in the Buck-

eye Spring Seam, be classified in accordance with the effective classifications for Buckeye Spring Seam Coal produced at the said Rennebaum No. 2 Mine.

The relief prayed for was granted pending the final disposition of the matter and the matter was scheduled for hearing on November 24, 1942, before a duly designated Examiner of the Division, by an order issued herein on October 30, 1942.

A motion dated November 18, 1942, was filed by the petitioner with this Division on that date requesting leave to amend the petition by deleting the request for relief as outlined above and proposing, in lieu thereof, that the coals produced at Mine Index No. 401, when loaded over the tippie at Mine Index No. 3817, take the classification as currently effective for such coals when loaded at Mine Index No. 401.

Petitioner also requested that in the event its motion be granted, that temporary relief in accordance with the prayer therein contained be granted pending final disposition of the matter, that the temporary relief heretofore granted pursuant to the original petition by the order issued herein on October 30, 1942, be terminated, and that the hearing on the petition, scheduled to be held on November 24, 1942, be cancelled.

Expressed in terms of objects, the original petition requested that the coals of Rennebaum Mine, Mine Index No. 401, when loaded over the tippie of Mine Index No. 3817, should be classified as "D" in Size Groups 15-17, inclusive. The motion requested that these coals when loaded over the tippie at Mine Index 3817, should be classified as "C" in these size groups.

In support of its motion, the petitioner stated that the Sterling Seam coals produced and loaded at Mine Index No. 401, are currently classified as "G" in Size Groups 15-17, inclusive, but that the original petition proposed a "D" classification in these size groups for these coals when loaded over the tippie at Mine Index No. 3817; that the Sterling Seam coals, produced at Mine Index No. 401, have the same value irrespective of the tippie over which they may be loaded, and that the relief requested in the motion, by establishing uniform classifications for these coals would preserve this parity of value.

The petitioner also stated that Rennebaum Coal Company, the code member involved, agrees to the relief requested in the motion, and that it is the petitioner's belief that such relief will not be opposed either by code members in District 8 or any other district.

It appears from an affidavit attached to said motion that a copy thereof was mailed, postage prepaid, on November 18, 1942, by the petitioner to Bituminous Coal Consumers' Counsel, Statistical Bureau for District 8, all other District Boards and Rennebaum Coal Company, the code member involved. It also appears that no pleadings in opposition to the relief therein requested have been filed with this Division.

Upon the basis of the foregoing facts and statements, the Director is of the opinion that good cause for the granting

of said motion has been shown and that said motion should be granted as herein-after set forth.

Now, therefore, it is ordered. That the said motion be, and the same hereby is, granted and that the said petition heretofore filed herein be, and the same hereby is, amended in accordance with said motion;

It is further ordered. That the temporary relief heretofore granted in the order issued in the above-entitled matter on October 30, 1942, be, and the same hereby is, terminated;

It is further ordered. That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, the price classifications and minimum prices effective for the coals of the Rennebaum Mine, Mine Index No. 401, of Rennebaum Coal Company, for rail shipments, shall be applicable for shipment on the Louisville & Nashville Railroad Company and Southern Railway Company from Bryson Mountain, Tennessee; all allowances or adjustments required or permitted mines in Freight Origin Group No. 113 shall be applicable to all shipments of the coals of Rennebaum Mine, Mine Index No. 401, of Rennebaum Coal Company, from Bryson Mountain, Tennessee;

It is further ordered. That pleadings in opposition to the original petition and motion in the above-entitled matter and applications to stay, terminate, or modify the relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Act.

It is further ordered. That the hearing in the above-entitled matter scheduled to be held on November 24, 1942, be, and the same hereby is, cancelled.

It is further ordered. That the relief hereinabove granted shall become permanent sixty (60) days from the date of this order, unless it shall otherwise be ordered.

Dated: November 23, 1942.

[SEAL]

DAN H. WHEELER,
Director.

[F. R. Doc. 42-12356; Filed, November 24, 1942;
12:01 p. m.]

[Docket B-333]

IRA H. BISEL

ORDER RESCHEDULING HEARING AND
REDESIGNATING EXAMINER

The above-entitled matter having been heretofore scheduled for hearing at 10 a. m. on November 2, 1942, at a hearing room of the Bituminous Coal Division at Room 118, Colonial Hotel, Altoona, Pennsylvania, and said hearing having been postponed by Order dated October 29, 1942, to a time and place to be thereafter designated by appropriate order; and

The Director deeming it advisable that the place and date of such hearing should now be designated;

Now, therefore, it is ordered. That the hearing in the above-entitled matter be

held on January 14, 1943, at 10 a. m. at a hearing room of the Bituminous Coal Division at Colonial Hotel, Room 118, Altoona, Pennsylvania.

It is further ordered. That Charles S. Mitchell, or any other officer of the Bituminous Coal Division that may be duly designated shall preside at said hearing vice the officer or officers heretofore designated.

It is further ordered. That the Notice of and Order for Hearing herein dated September 29, 1942, shall in all other respects remain in full force and effect.

Dated: November 21, 1942.

[SEAL]

DAN H. WHEELER,
Director.

[F. R. Doc. 42-12353; Filed, November 24, 1942;
12:00 m.]

[Docket No. B-240]

HUDSON FUEL CO.

ORDER CANCELLING HEARING, ETC.

In the matter of Hudson Fuel Company, Registration No. 4581, Registered Distributor.

Order granting application filed pursuant to § 301.132 of the rules of practice and procedure before the division, reserving jurisdiction and cancelling hearing.

On April 27, 1942, a Notice of and Order for Hearing was issued pursuant to § 304.14 of the Rules and Regulations for the Registration of Distributors for the purposes of determining whether the Hudson Fuel Company (the "Company") had violated any provisions of the Bituminous Coal Act of 1937 (the "Act"), the Bituminous Coal Code (the "Code"), and orders, rules and regulations of the Division, including the Marketing Rules and Regulations, Rules and Regulations for the Registration of Distributors and its Distributors' Agreement dated October 30, 1940, filed pursuant to an Order of the Director dated June 19, 1940, in General Docket No. 12 and more particularly those violations as more fully set forth in said Notice of and Order for Hearing; and

The above-entitled matter having been scheduled for hearing on May 27, 1942, and postponed by Order dated May 12, 1942 to June 8, 1942, and further postponed by Order dated May 29, 1942, to a date and place to be thereafter designated by an appropriate order; and

An application based upon admissions for the disposition of the above-entitled matter without formal hearing (the "Application"), pursuant to § 301.132 of the Rules of Practice and Procedure Before the Division dated July 9, 1942, having been filed by the Company with the Division on July 11, 1942; and

A Notice dated August 22, 1942 of the filing of said application having been published in the FEDERAL REGISTER on August 24, 1942 pursuant to said § 301.132 and copies thereof having been duly mailed to interested parties herein; and

Said Notice of filing having provided that interested parties desiring to do so might within fifteen (15) days from the date of said Notice file recommendations or requests for an informal conference

in respect to said application and it appearing that no such recommendations or requests had been filed with the Division within said fifteen (15) day period; and

It appearing from said application that the Company admits that it wilfully committed the violations as set forth in the Notice of and Order for Hearing dated April 27, 1942; and

It further appearing from said application that the Company consents to an entry revoking the rights as represented by the certificate of registration as a registered distributor.

Now, therefore, Pursuant to the authority vested in the Division by section 4 II (h) of the Act and upon said application of the Company for disposition without formal hearing of the charges as set forth in the Notice of and Order for Hearing pursuant to § 301.132 of the Rules of Practice and Procedure, and the evidence in the possession of the Division;

It is hereby found that:

(a) The Company is a corporation organized and existing by virtue of the laws of the State of Ohio with its principal place of business at Cleveland, Ohio, and engaged in the business of purchasing and reselling bituminous coal;

(b) The Company filed with the Division its application for registration as a registered distributor dated June 30, 1940 and a certificate of registration No. 4581 dated November 13, 1940 was issued pursuant to said application and since then the Company has been engaged in the purchase and resale of bituminous coal;

(c) The Company, during the period November 13, 1940, to September 27, 1941, both dates inclusive, wilfully violated the Rules and Regulations for the Registration of Distributors and the Agreement filed by said Distributor by purchasing approximately 12,078.39 tons of various sizes of bituminous coal which it physically handled and sold in less than carload lots and upon which it accepted and retained discounts of approximately \$2,281.89.

The undersigned having determined upon the basis of the above findings and the said admission and consent filed by the Hudson Fuel Company pursuant to § 301.132 of the Rules of Practice and Procedure that the distributor has violated § 304.19 (a) of the Rules and Regulations for the Registration of Distributors and paragraph (d) of the Distributor's Agreement signed by Peter Mazza, President of the Hudson Fuel Company on October 30, 1940; and

It appearing, however, that the Director has heretofore on October 2, 1942, in a proceeding known as Docket No. D-15, ordered that the registration of Hudson Fuel Company, a registered distributor, Registration No. 4581 be revoked effective fifteen (15) days thereafter; and

It appearing, therefore, unnecessary at this time to take further action in this matter, but nevertheless that jurisdiction should be reserved for the purpose of taking appropriate action should the company make application for registration at any time as a distributor or for any other purpose;

Now, therefore, it is ordered, That in the event Hudson Fuel Company at any time hereafter makes application for registration as a distributor, the Division may require as a condition precedent to the granting of such application, the repayment by the company of all distributor's discounts from the effective minimum prices unlawfully accepted and retained by the Hudson Fuel Company and that jurisdiction be, and it hereby is reserved for such purpose and for the purpose of taking such other action in this proceeding as may be appropriate.

It is further ordered, That the hearing in the above-entitled matter which has been heretofore postponed by the order issued herein on May 29, 1942, to a time and place to be hereafter designated, be, and the same hereby is, cancelled.

Dated: November 21, 1942.

[SEAL]

DAN H. WHEELER,
Director.

[F. R. Doc. 42-12352; Filed, November 24, 1942;
12:00 m.]

[Docket B-239]

THOS. SNEED COAL CO.

REVOCATION OF CODE MEMBERSHIP, ETC.

In the matter of Thos. Sneed, Bill White, Terrence O'Donnell and Arkell Sneed, individually and as co-partners, doing business under the name and style of Thos. Sneed Coal Company, code member.

Order granting application filed pursuant to § 301.132 of the rules of practice and procedure before the division, cancelling hearing and revoking code membership.

A complaint dated March 24, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act") having been duly filed on March 27, 1942, by the Bituminous Coal Producers Board for District No. 15, a district board (the "complainant") with the Bituminous Coal Division (the "Division") alleging that Thos. Sneed, Bill White, Terrence O'Donnell and Arkell Sneed, individually and as co-partners, doing business under the name and style of Thos. Sneed Coal Company, a Code Member (the "Code Member"), which operated the Sneed Mine, Mine Index No. 386, located in Macon County, Missouri, District No. 15, wilfully violated the provisions of the Act, the Bituminous Coal Code (the "Code"), the Schedule of Effective Minimum Prices for District No. 15 for Truck Shipments (the "Schedule") for coals produced at said mine and rules and regulations promulgated by the Division pursuant to the Act, as more fully set forth in the complaint; and

The complaint and Notice of and Order for Hearing, dated April 13, 1942, having been duly served on the Code Member on April 18, 1942, and the hearing herein having been postponed, by order dated May 21, 1942, to a date and place to be thereafter designated by an appropriate order; and

An application of the Code Member for the disposition of this proceeding without formal hearing, dated August

11, 1942, pursuant to § 301.132 of the Rules of Practice and Procedure Before the Division, having been duly filed with the Division on August 13, 1942; and

Notice of the filing of said application, dated September 2, 1942, having been published in the FEDERAL REGISTER on September 4, 1942, pursuant to said § 301.132 and a conformed copy thereof having been duly mailed to the complainant herein; and

Said notice of filing having provided that interested parties desiring to do so might within fifteen days from the date of said notice, file recommendations or requests for informal conferences with respect to said application; and

It appearing that no such recommendations or requests have been filed with the Division within said fifteen day period; and

It appearing from said application that the Code Member admits wilful violations of the Act, the Code and regulations thereunder as follows:

1. Wilfully violated section 4 II (e) of the Act and Part II (e) of the Code by selling to John B. Brown during the period June 15 to October 27, 1941, both dates inclusive, 106.22 net tons of 1" screening (Size Group No. 14) produced by the Code Member at its Sneed Mine, Mine Index No. 386, located in District No. 15 at less than the minimum price therefor established by the Division;

2. Wilfully violated Orders of the Division No. 296, dated September 23, 1940, and No. 297, dated October 22, 1940, during the period October 1 to December 31, 1940, both dates inclusive, by failing to maintain proper records and file with the Division reports of all coal sold and shipped by truck or wagon within the time and in the manner prescribed by said orders;

3. Wilfully violated Orders of the Division No. 307, dated December 11, 1940, during the period January 1 to March 31, 1941, both dates inclusive, and No. 312, dated February 24, 1941, during the period April 1 to October 27, 1941, both dates inclusive, by failing to maintain proper records of all coal sold and shipped by truck or wagon within the time and in the manner prescribed by said orders; and

It further appearing in said application that the Code Member represents that it has not, to the best of its knowledge, committed any violations of the Act, the Code or regulations thereunder other than those violations admitted and more particularly described in said application; and

It further appearing in said application that the Code Member upon the basis of the aforesaid admitted violations consents to the imposition under section 5 (b) of the Act of a tax in the amount of forty-five dollars and fifty-seven cents (\$45.57), and agrees to pay said tax to the United States within ten days after the Code Member has been served with a copy of an order of the Division revoking its Code Membership; and

Now, therefore, pursuant to the authority vested in the Division by section 4 II (j) of the Act, authorizing it to adjust complaints of violations and to compose the differences of the parties

thereto, and upon the application of the Code Member dated August 11, 1942, pursuant to said § 301.132 of the Rules of Practice and Procedure, for disposition without formal hearing of the charges contained in the complaint herein which was filed with the Division on March 27, 1942, and upon evidence in the possession of the Division.

It is hereby found that:

A. The Code Member is a partnership composed of Thos. Sneed, Bill White, Terrence O'Donnell, and Arkell Sneed, and operates the Sneed Mine, Mine Index No. 386, located in Macon County, Missouri, District No. 15.

B. Said partnership filed with the Division on December 21, 1939, its Code Acceptance dated December 18, 1939. Said Code Acceptance became effective as of September 1, 1939.

C. Said Thos. Sneed, Bill White, Terrence O'Donnell and Arkell Sneed, individually and as co-partners, doing business under the name and style of Thos. Sneed Coal Company, wilfully violated the Act, the Code and rules and regulations thereunder, as follows:

1. Said Code Member wilfully violated section 4 II (e) of the Act and Part II (e) of the Code, by selling during the period June 15 to October 27, 1941, both dates inclusive, to John B. Brown 106.22 net tons of 1" screenings coal produced at its said mine, Mine Index No. 386, at 35 cents per net ton f. o. b. the mine and that the effective minimum price for said coal was \$1.10 per net ton f. o. b. the mine;

2. Said Code Member wilfully violated Orders of the Division No. 296 dated September 23, 1940, and No. 297 dated October 22, 1940, during the period October 1 to December 31, 1940, both dates inclusive, by failing to maintain proper records and file with the Division reports of all coal sold and shipped by truck or wagon within the time and in the manner prescribed by said orders;

3. Said Code Member wilfully violated Orders of the Division No. 307 dated December 11, 1940, during the period January 1 to March 31, 1941, both dates inclusive, and No. 312 dated February 24, 1941, during the period April 1 to October 27, 1941, both dates inclusive, by failing to maintain proper records of all coal sold and shipped by truck or wagon within the time and in the manner prescribed by said orders; and

D. Pursuant to the provisions of section 5 (b) of the Act, the membership of Thos. Sneed Coal Company, a partnership consisting of Thos. Sneed, Bill White, Terrence O'Donnell and Arkell Sneed, should be revoked with respect to the violations described in paragraph C above.

E. The amount of tax imposed by section 5 (b) of the Act with respect to the coal described in paragraph C 1 hereof, amounting to 106.22 net tons, and required to be paid as a condition precedent to the restoration of membership of Thos. Sneed Coal Company in the Code is \$45.57, which amount is 39 per cent of the aggregate of the effective minimum prices of such coal f. o. b. said mine of \$116.84.

Now, therefore, on the basis of the above findings and the said admissions

and the consent filed by the Code Member, pursuant to § 301.132 of the Rules of Practice and Procedure.

It is ordered, That the aforesaid application of Thos. Sneed Coal Company be and the same hereby is granted; and

It is further ordered, That pursuant to section 5 (b) of the Act, the membership in the Code of Thos. Sneed, Bill White, Terrence O'Donnell and Arkell Sneed, individually and as co-partners, doing business under the name and style of Thos. Sneed Coal Company, a partnership, be and it hereby is revoked and cancelled as of ten (10) days from the date of service of a copy of this order upon the Code Member; and

It is further ordered, That the hearing herein, heretofore postponed by Order dated May 21, 1942, to a date and place to be thereafter designated by an appropriate order, be, and the same hereby is cancelled; and

It is further ordered, That prior to the restoration of Thos. Sneed, Bill White, Terrence O'Donnell and Arkell Sneed, individually or as co-partners, doing business under the name and style of Thos. Sneed Coal Company to membership in the Code, there shall be paid to the United States a tax in the amount of forty-five dollars and fifty-seven cents (\$45.57), as provided in section 5 (c) of the Act.

Dated: November 21, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-12354; Filed, November 24, 1942;
12:01 p. m.]

[Docket No. A-1697]

DISTRICT BOARD 2

ORDER GRANTING MOTION FOR CONTINUANCE, CONTINUING HEARING AND REDESIGNATING EXAMINER

In the matter of the petition of District Board No. 2 for a change in minimum prices established for truck shipments for the coals of certain mines in District No. 2.

The above-entitled matter having been heretofore scheduled for hearing on November 25, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, Washington, D. C., by a Notice of and Order for Hearing issued herein on October 26, 1942; and

A motion dated November 17, 1942, having been filed with this Division on said date by Bituminous Coal Producers Board for District No. 2, the petitioner herein, requesting that said hearing be continued until immediately following the hearing set for December 9, 1942, in Docket No. A-1720, in which the above-named party is also the petitioner; and

The Director deeming that good cause has been shown for the granting of said motion to the extent as hereinafter set forth, and for the continuance of said hearing; and

No petitions of intervention having been filed herein;

Now, therefore, it is ordered, That said motion be, and the same hereby is,

granted to the extent indicated herein; and

It is further ordered, That said hearing be, and the same hereby is, continued to 10 o'clock in the forenoon of December 9, 1942, at the place heretofore designated; and

It is further ordered, That Edward J. Hayes shall preside at said continued hearing vice D. C. McCurtain.

Dated: November 23, 1942.

[SEAL] DAN H. WHEELER,
Director.

[F. R. Doc. 42-12355; Filed, November 24, 1942;
12:01 p. m.]

DEPARTMENT OF AGRICULTURE.

Office of the Secretary.

[Ration Order C, Announcement 1]

RATIONING OF FARM MACHINERY AND EQUIPMENT

NEW FARM MACHINERY AND EQUIPMENT

Pursuant to § 2.207 of Rationing Order C the Special War Board Assistant hereby announces that no quotas will be presently established for the following Schedule I equipment:

- (a) All Schedule I equipment of any type now in the hands of dealers.
- (b) The following:

MACHINES FOR PREPARING CROPS FOR MARKET OR USE

Stationary hay balers, horse.

DOMESTIC WATER SYSTEMS

Deep well:

Deep well, reciprocal.

Deep well, jet pumps.

Shallow well:

250-499 gals. per hour.

500 gals. per hour and over.

Power pumps:

Horizontal type, up to and including 75 gals. per minute, 100 lb. pressure.

FARM PUMPS AND WINDMILLS

Windmill pumps.

Windmill heads.

Windmill towers.

Pump jacks.

IRRIGATION EQUIPMENT

Irrigation pumps:

Hydraulic rams.

Distribution equipment:

Land leveling equipment, ditchers, corrugators and scrapers (excluding power ditches, draglines and other self-powered machines).

Portable pipe, extensions, and sprinklers.

DAIRY FARM MACHINES AND EQUIPMENT

Metal milk cans and covers.

FARM FENCING

Barbed wire.

Poultry netting.

Poultry flooring.

Woven or welded wire fence:

Hog and cattle fence.

Poultry fence.

County farm rationing committees may, therefore, immediately commence to ration the Schedule I equipment listed above and to issue purchase certificates therefor, in accordance with the provisions of Rationing Order C. Certifica-

tions required by § 2.218 (b) of Rationing Order C must be filed for such Schedule I equipment.

This Announcement No. 1 to Rationing Order C shall become effective November 28, 1942.

Done at Washington, D. C., this 23d day of November 1942.

[SEAL] FRED S. WALLACE,
Special War Board Assistant.

[F. R. Doc. 42-12292; Filed, November 23, 1942;
12:03 p. m.]

RATIONING OF FARM MACHINERY AND EQUIPMENT

[Ration Order C, Supp. Order 1]

NEW FARM MACHINERY AND EQUIPMENT

Pursuant to § 2.212 of Rationing Order C,¹ It is hereby ordered, That:

A. (1) Any manufacturer of the Schedule I equipment listed in this paragraph A may transfer without a purchase certificate to other manufacturers, distributors, mail order houses, or dealers, provided such transfers are not for use, or may transfer for use by the transferee upon presentation of a purchase certificate all of the Schedule I equipment listed in this paragraph A which was manufactured prior to the effective date of or in compliance with the provisions of War Production Board Order L-26² and 60 percent of any such manufacturer's authorized quota of such equipment under War Production Board Order L-170.³ No manufacturer shall physically move or transfer (unless for purposes of storage in the county in which such equipment is located) the remaining 40 percent of his quota of the Schedule I equipment listed in this paragraph A, authorized to be manufactured under War Production Board Order L-170, except pursuant to further orders of the Secretary of Agriculture or of the Special War Board Assistant to the Secretary of Agriculture.

(2) Mail order houses, distributors, or dealers may accept transfers of any of the Schedule I equipment listed in paragraph A and may transfer any of the Schedule I equipment listed in paragraph A to any other distributor, mail order house, or dealer. Such acceptances of transfers and such transfers may be made without a purchase certificate, provided such acceptances and such transfers are not for use. Such distributors, mail order houses, or dealers may transfer such equipment for use by the transferee if a proper purchase certificate is presented. Manufacturers may accept transfers of such Schedule I equipment without purchase certificates, provided such transfers to such manufacturers are not for use.

(3) Each manufacturer shall keep records disclosing the number of items of each type of the Schedule I equipment listed in this paragraph A which he has transferred pursuant to this Supplementary Order No. 1. Such records shall disclose the persons to whom said equip-

ment was transferred and such persons' addresses.

MACHINES FOR PREPARING CROPS FOR MARKET OR USE

Stationary hay balers, horse

DOMESTIC WATER SYSTEMS

Deep well:

Deep well, reciprocal.

Deep well, jet pumps.

Shallow well:

250-499 gals. per hour.

500 gals. per hour and over.

Power pumps:

Horizontal type, up to and including 75 gals. per minute, 100 lb. pressure.

FARM PUMPS AND WINDMILLS

Windmill pumps.

Windmill heads.

Windmill towers.

Pump jacks.

IRRIGATION EQUIPMENT

Irrigation pumps:

Hydraulic rams.

Distribution equipment:

Land leveling equipment, ditchers, corrugators and scrapers (excluding power ditchers, draglines and other self-powered machines).

Portable pipe, extensions, and sprinklers.

B. (1) Any manufacturer of new metal milk cans and covers may transfer without a purchase certificate to other manufacturers, distributors, mail order houses, or dealers, provided such transfers are not for use, or may transfer for use by the transferee upon presentation of a purchase certificate, all metal milk cans and covers manufactured prior to the effective date of, and 70 percent of such manufacturer's production of metal milk cans and covers authorized by, War Production Board Order M-200.⁴ Each such manufacturer shall distribute such milk cans and covers to the same distributors, mail order houses, or dealers, to whom such manufacturers distributed metal milk cans and covers in the calendar year 1941, and shall prorate the distribution of such milk cans and covers, the distribution of which is authorized by this order, to such persons on the basis of the percentage which the number of metal milk cans and covers of all types and sizes distributed by such manufacturer to such person in the calendar year 1941 bore to the total number of metal milk cans and covers produced by such manufacturer in the calendar year 1941. If any distributor, dealer, or mail order house to which such manufacturer distributed metal milk cans and covers in the calendar year 1941 is no longer in the business of buying and selling metal milk cans and covers, or does not desire to purchase metal milk cans and covers from such manufacturer, such manufacturer shall distribute the number of metal milk cans and covers which he is authorized by this order to distribute to any such persons to any other distributors, mail order houses, or dealers who will assure distribution in the same area in which such person was distributing in the calendar year 1941. No manufacturer shall physically move or transfer (unless for purposes of storage in the

county in which such equipment is located) the remaining 30 percent of his quota of metal milk cans and covers authorized to be manufactured under War Production Board Order M-200, except pursuant to further orders of the Secretary of Agriculture or of the Special War Board Assistant to the Secretary of Agriculture.

(2) Mail order houses, distributors, or dealers may accept transfers of metal milk cans and covers and may transfer metal milk cans and covers to any other distributor, mail order house, or dealer. Such acceptances of transfers and such transfers may be made without a purchase certificate provided such acceptances and such transfers are not for use. Such distributors, mail order houses, or dealers may transfer such milk cans and covers for use by the transferee if a proper purchase certificate is presented. Manufacturers may accept transfers of such milk cans and covers without purchase certificates provided such transfers to such manufacturers are not for use. No manufacturer, mail order house, distributor, or dealer may accept a transfer of any metal milk cans and covers, unless such milk cans and covers have been distributed to him in compliance with this order.

(3) Each manufacturer shall keep records disclosing the number of metal milk cans and covers which he has transferred pursuant to this Supplementary Order No. 1. Such records shall disclose the persons to whom such equipment was transferred, and such persons' addresses.

C. Any manufacturer, distributor, mail order house, or dealer may accept transfers of Schedule I equipment listed in this paragraph C and may transfer Schedule I equipment listed in this paragraph C to any other manufacturer, distributor, mail order house, or dealer. Such acceptances of transfers and such transfers may be made without a purchase certificate provided such acceptances and such transfers are not for use. Such manufacturers, distributors, mail order houses, or dealers may transfer such equipment for use by the transferee if a proper purchase certificate is presented. Each such manufacturer, distributor, mail order house, or dealer shall, in the distribution of the Schedule I equipment listed in this paragraph C, comply with War Production Board Order M-21-b⁵ insofar as that order is applicable to any such person.

FARM FENCING

Barbed wire.

Poultry netting.

Poultry flooring.

Woven or welded wire fence:

Hog and cattle fence.

Poultry fence.

D. This Supplementary Order No. 1 shall be deemed to be a part of Rationing Order C, and any violation of this Supplementary Order No. 1 shall constitute a violation of Rationing Order C.

E. This Supplementary Order No. 1 to Rationing Order C shall become effective November 28, 1942.

¹ 7 F.R. 9647.

² 7 F.R. 1795, 2940, 4331, 5396, 6148, 8460.

³ 7 F.R. 8460.

⁴ 7 F.R. 7808.

⁵ 6 F.R. 4587, 5255, 5995, 6736, 7 F.R. 1626, 3324, 3881, 5661, 8825.

Done at Washington, D. C., this 23d day of November 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] FRED S. WALLACE,
Special War Board Assistant.

[F. R. Doc. 42-12293; Filed, November 23, 1942;
12:03 p. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

LEARNER EMPLOYMENT CERTIFICATES

CUSTOM HOSIERY MILLS

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective November 23, 1942.

The employment of learners under these certificates is limited to the terms and conditions as designated opposite the employer's name. These certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The certificates may be cancelled in the manner provided for in the Regulations and as indicated on the certificate. Any person aggrieved by the issuance of these certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

Custom Hosiery Mills, 1234 Carpenter St., Philadelphia, Pennsylvania; Seamless hosiery; 5 learners; 480 hours for any one learner; 25 cents per hour for any one learner; Merrow machine operators, sewing machine operators, menders, seamers and examiners; November 23, 1943.

Signed at New York, N. Y., this 21st day of November 1942.

MERLE D. VINCENT,
Authorized Representative
of the Administrator.

[F. R. Doc. 42-12299; Filed, November 23, 1942;
2:34 p. m.]

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under

section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862, and as amended June 25, 1942, 7 F.R. 4723), and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry, Learner Regulations, July 20, 1942 (7 F.R. 4724).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 20, 1941 (6 F.R. 3753).

The employment of learners under these certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These certificates become effective November 23, 1942. The certificates may be cancelled in the manner provided in the Regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Apparel Industry

Hansley Mills, Inc., 511 E. Main St., Barnesville, Ohio; Men's broadcloth shorts; 5 percent (T); November 23, 1943.

Hyde Park Clothes, Inc., 6th & Washington Sts., Newport, Kentucky; Men's clothing; 5 percent (T); November 23, 1943.

J. B. Simpson, Inc., 843 W. Adams St., Chicago, Illinois; Wool suits; 5 percent (T); November 23, 1943.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear, Rainwear, Robes, and Leather and Sheep-Lined Garments Divisions of the Apparel Industry

B. C. Undergarment Co., (Catherine St., Bloomsburg, Pennsylvania; Ladies' night gowns; 4 learners (T); November 23, 1943.

B & S Mfg. Co., 4th & Cumberland Sts., Philadelphia, Pennsylvania; Boys' suits; 10 learners (T); November 23, 1943.

Bernstein & Sons Shirt Corp., Main St., Terre Hill, Pennsylvania; Boys' cotton

shirts; 10 percent (T); November 23, 1943.

Brown Garment Mfg. Co., 603 W. Markham St., Little Rock, Arkansas; Men's & boys' cotton pants; 10 percent (T); November 23, 1943.

Morris Caplan Co., 1000 Broadway, Kansas City, Missouri; Slack suits, skirt suits; 5 learners (T); November 23, 1943.

Century Overall Co., 3 North Main St., Sandwich, Illinois; Overalls, jackets, coveralls, work pants; 10 percent (T); November 23, 1943.

Franklin Garment Co., North 3rd St., Chambersburg, Pennsylvania; Ladies' cotton house dresses, smocks and uniforms; 10 percent (T); November 23, 1943.

Johnson & Co., 100 S. Minnesota Ave., St. Peter, Minnesota; Work garments; 5 learners (T); November 23, 1943.

Louisville Shirt Co., 5th St., Louisville, Georgia; Men's & boys' work clothes; 10 learners (T); November 23, 1943. (This certificate replaces the one for 5 learners, bearing the expiration date of October 12, 1943).

Manchester Pants Co., Manchester, Maryland; Pants; 10 percent (T); November 23, 1943.

Marathon Underwear Corp., 958-960 S. Los Angeles St., Los Angeles, California; Ladies' lingerie, blouses; 20 learners (E); May 23, 1943.

Morgan Mfg. Co., 234 S. Montebello Blvd., Montebello, California; Ladies' slacks, skirts and blouses; 5 learners (T); November 23, 1943.

Nunnally & McCrea Co., 104 Mitchell St., S. W., Atlanta, Georgia; Overalls, coveralls, dungarees, coats and pants; 75 learners (E); May 23, 1943.

A. Oestreich, 447 Gilligan St., Wilkes-Barre, Pennsylvania; Infants' dresses; 50 learners (E); May 23, 1943.

Portnoy Garment Co., 68 E. Elm St., Alton, Illinois; Dresses; 10 percent (T); November 23, 1943.

M. H. Raab-Meyerhoff Co., 8th & Dauphin Sts., Philadelphia, Pennsylvania; Army, Marine and Civilian shirts; 10 percent (T); November 23, 1943.

Russell-Newman Mfg. Co., Masonic Building, Denton, Texas; Ladies' & children's underwear, army undershirts; 10 learners (T); November 23, 1943. (This certificate replaces the one bearing the expiration date of January 12, 1943.)

Sherman Mfg. Co., 578 Forest St., Orange, New Jersey; Cotton dresses; 11 learners (T); November 23, 1943.

David H. Smith, Inc., 601 Washington St., Lynn, Massachusetts; Dresses; 10 percent (T); November 23, 1943.

Smith Johnson Co., Inc., Crestview, Florida; Men's & boys' cotton dress shirts and sport shirts; 10 percent (T); November 23, 1943.

Sterling Corset Corp., 713 13th Ave., Belmar, New Jersey; Corsets & bathing suits; 20 learners (T); November 23, 1943.

Valmor Undergarment Co., 118 9th St., Passaic, New Jersey; Ladies' slips and gowns; 10 learners (T); November 23, 1943.

Wayne Garment Co., Forest City, Pennsylvania; Children's outerwear; 25 learners (E); May 23, 1943.

E. Weinschel & Bro. Co., 1319 N. Third St., Milwaukee, Wisconsin; Govt. jack-

ets and trousers, civilian jackets and trousers; 10 percent (T); November 23, 1943.

Wexler's, 725 Arch St., Philadelphia, Pennsylvania; Women's blouses; 5 learners (T); November 23, 1943.

Cigar Industry

Star Thompson Tobacco Co., 1607 17th St., Tampa, Florida; Cigars; 10 percent (T); Hand cigar rollers and cigar packers to have learning period of 320 hours at 75 percent of the applicable minimum wage; November 22, 1943.

Glove Industry

Imperial Glove Co., Inc., 35 W. 8th Ave., Gloversville, New York; Leather dress gloves; 5 learners (T); November 23, 1943.

Kaul Glove & Mfg. Co., 1431 Brooklyn Ave., Detroit, Michigan; Work gloves; 5 learners (T); November 23, 1943.

Livermore Falls Glove Co., Livermore, Maine; Work gloves; 5 learners (T); November 23, 1943.

Wells Lamont Corp., 217 E. Main St., Beardstown, Illinois; Work gloves; 5 percent (T); November 23, 1943.

Wells Lamont Corp., 800 Washington St., Burlington, Iowa; Knit fabric and work gloves; 5 percent (T); November 23, 1943.

Hosiery Industry

Larkwood Silk Hosiery Mills, Inc., 2500 N. Brevard St., Charlotte, North Carolina; Full-fashioned hosiery; 5 percent (T); November 23, 1943.

Lawler Hosiery Mills, Inc., 53 Bradley St., Carrollton, Georgia; Seamless hosiery; 5 percent (T); November 23, 1943.

McDonough Hosiery Mills, Inc., 110 Sims, McDonough, Georgia; Seamless hosiery; 5 learners (T); November 23, 1943.

Williamson Hosiery Mills, Englewood, Tennessee; Seamless hosiery; 5 learners (T); November 23, 1943.

Knitted Wear Industry

Century-Beverly Corp., Walnut St., Pottstown, Pennsylvania; Knitted underwear; 7 learners (T); November 23, 1943.

Telephone Industry

The Lincoln Telephone & Telegraph Co., 1342 M St., Lincoln, Nebraska; To employ learners as commercial switchboard operators at its Syracuse Exchange, located at Syracuse, Nebraska; (T); November 23, 1943.

Textile Industry

The Courtenay Mfg. Co., Newry, South Carolina; Cotton and rayon piece goods (unfinished); 3 percent (T); November 23, 1943.

Culpeper Textile Mills, Inc., Culpeper, Virginia; Weaving of cotton and rayon; 3 learners (T); November 23, 1943.

Moore & Cram Webbing Co., Beharrell St., W. Concord, Massachusetts; Cotton and rayon woven non-elastic fabrics; 2 learners (T); November 23, 1943.

The Ufford Textile Co., 2nd St., Norwich, Connecticut; Cotton yarn, dish cloths; 1 learner (T); November 23, 1943.

Valdese Weaving Co., Valdese, North Carolina; Spinning coarse cotton yarns

and weaving upholstery and novelty fabrics; 3 percent (T); November 23, 1943.

S. Zaleschitz & Co., Inc., East Mauch Chunk, Pennsylvania; Rayon; 3 percent (T); November 23, 1943.

Signed at New York, N. Y., this 21st day of November 1942.

MERLE D. VINCENT,
Authorized Representative
of the Administrator.

[F. R. Doc. 42-12298; Filed, November 23, 1942;
2:34 p. m.]

FEDERAL SECURITY AGENCY.

Food and Drug Administration.

[Docket No. FDC-39]

CANNED FRUIT COCKTAIL

PROPOSED ORDER AMENDING DEFINITION AND STANDARD OF IDENTITY

It is proposed that, by virtue of the authority vested in the Federal Security Administrator by provisions of the Federal Food, Drug, and Cosmetic Act [secs. 401, 701 (e); 52 Stat. 1046, 1055; 21 U.S.C. 341, 371 (e), 1940 ed.]; the Reorganization Act of 1939 [53 Stat. 561 ff.; 5 U.S.C. 133-133r (Supp. V, 1939)]; and Reorganization Plans No. I (53 Stat. 1423) and No. IV (54 Stat. 1234); and upon the basis of evidence of record in the above-entitled proceeding and the record relating to Canned Fruit Cocktail hearing, Docket No. 27, the following order be made:

Findings of Fact

1. The regulation fixing and establishing a definition and standard of identity for fruit cocktail promulgated by order dated July 17, 1942, published in the FEDERAL REGISTER of July 21, 1942, provides for the use of the following packing media for fruit cocktail:

- (1) Water;
- (2) Fruit juice;
- (3) Heavy sirup;
- (4) Extra heavy sirup;
- (5) Heavy fruit juice sirup; and
- (6) Extra heavy fruit juice sirup.

2. The sweetened packing media provided for in said standard of identity are heavy sirup and heavy fruit juice sirup, which have a minimum density of 18° Brix 15 days or more after canning, and extra heavy sirup and extra heavy fruit juice sirup, which have a minimum density of 22° Brix 15 days or more after canning.

3. From the beginning most of the fruit cocktail sold to consumers has been packed in heavy sirup. About 85 percent of the 1941 pack was packed in that kind of packing medium.

4. By reason of the provisions of Rationing Order No. 3 as amended, issued by the Office of Price Administration, the quantity of sugar which may be used by any manufacturer of fruit cocktail for each common case of his total output of the product is 90 percent of the amount of sugar used per common case of his total output of the product during 1941.

5. The Federal Government purchases large quantities of fruit cocktail for

lend-lease purposes and for use by the armed forces. It is anticipated that from 40 percent to 60 percent of the 1942 pack will be so purchased and, by virtue of War Production Board Orders M-86, M-86 (a), and M-237, such purchases are given priority over sales for civilian use. All the fruit cocktail so purchased is required to be packed in sirup and to comply with any applicable definition and standard of identity under the Federal Food, Drug, and Cosmetic Act.

6. The effect of these Government requirements and of O.P.A. Order No. 3 as amended is that, if said standard of identity for fruit cocktail is permitted to become effective, substantial quantities of the fruit cocktail available for civilian use after Government demands are met could only be packed in fruit juice or in water.

7. Fruit cocktail packed in fruit juice or in water is a specialty product which is used principally by persons who must restrict their consumption of sugars. Consumer demand has been relatively slight for this type of product, since most consumers prefer a sweetened product. Nor is enough fruit juice available for the purpose of packing a substantially larger quantity than heretofore of fruit cocktail in fruit juice.

8. Light sirup and light fruit juice sirup are liquid packing media for canned fruits and are of a density next lower to the density of heavy sirup and heavy fruit juice sirup. The minimum densities of such sirups vary with the variety of fruit, but such minima ordinarily are from 12° to 14° Brix 15 days after canning. Definitions and standards of identity have been prescribed by regulation for canned peaches and canned pears, which are ingredients of canned fruit cocktail. The minimum density prescribed for light sirup and for light fruit juice sirup in canned peaches and canned pears is 14° Brix 15 days after canning. Canned fruit cocktail packed in a sirup of a density of 14° Brix or more but less than 18° Brix 15 days or more after canning, would be of a substantial degree of sweetness and would be usable for customary purposes. The names "light sirup" and "light fruit juice sirup" are common or usual names for fruit canning sirups in this density range, and would be accurate and understandable designations for such sirups in fruit cocktail.

9. The use of light sirup and light fruit juice sirup in fruit cocktail would permit a substantially larger quantity of fruit cocktail to be packed in sirup than would be possible under the standard already promulgated and would tend to meet consumers' desire for a sweet product as distinguished from a product packed in water or fruit juice. Such sirups have become proper and acceptable packing media for canned fruit cocktail. A label statement indicating that fruit cocktail is packed in light sirup will adequately differentiate between such a packing medium and those heretofore used.

On the basis of the foregoing findings of fact, it is concluded that said definition and standard of identity for fruit cocktail promulgated by order dated July 17,

1942, and published in the FEDERAL REGISTER for July 21, 1942, should be amended so as to include light sirup and light fruit juice sirup as additional optional packing media for fruit cocktail and to provide that such optional packing media be named on the label; and that said definition and standard of identity, as so amended, will promote honesty and fair dealing in the interest of consumers.

Wherefore, paragraphs (c), (d) (6), (d) (7), (d) (8), and (e) (1) of § 27.040 are hereby revised and amended so as to read as follows:

Proposed Order

(c) The optional packing media referred to in paragraph (a) are as follows:

- (1) Water;
- (2) Fruit juice;
- (3) Light sirup;
- (4) Heavy sirup;
- (5) Extra heavy sirup;
- (6) Light fruit juice sirup;
- (7) Heavy fruit juice sirup; and
- (8) Extra heavy fruit juice sirup.

Each of packing media (3), (4), and (5) is prepared with water as its liquid ingredient, and each of packing media (6), (7), and (8) is prepared with fruit juice as its liquid ingredient. Except as provided in paragraph (d) (6), each of packing media (3) to (8), inclusive, is prepared with any one of the following saccharine ingredients: sugar; or any combination of sugar and dextrose in which the weight of the solids of the dextrose used is not more than one-half the weight of the solids of the sugar used; or any combination of sugar and corn sirup in which the weight of the solids of the corn sirup used is not more than one-third the weight of the solids of the sugar used; or any combination of sugar, dextrose, and corn sirup in which the weight of the solids of the dextrose used multiplied by 2, added to the weight of the solids of the corn sirup used multiplied by 3, is not more than the weight of the solids of the sugar used. The respective densities of packing media (3) to (8), inclusive, as measured on the Brix hydrometer 15 days or more after the fruit cocktail is canned are within the range prescribed for each in the following list:

Number of packing medium	Brix measurement
(3) and (6) --	14° or more but less than 18°
(4) and (7) --	18° or more but less than 22°
(5) and (8) --	22° or more but not more than 35°

(d) For the purposes of this section:

(6) When the optional packing medium is prepared with fruit juice and invert sugar sirup or corn sirup other than dried corn sirup, it shall be considered to be light sirup, heavy sirup, or an extra heavy sirup, as the case may be, and not a light fruit juice sirup, heavy fruit juice sirup, or an extra heavy fruit juice sirup.

(7) The term "light sirup", "heavy sirup", or "extra heavy sirup" includes a sirup which conforms in all other respects to the provisions of this section, in the preparation of which there is used the liquid drained from any fruit ingredient previously canned in a packing medium consisting wholly of the liquid and saccharine ingredients of a light sirup, heavy sirup, or extra heavy sirup.

(8) Except as provided in subparagraph (6) of this paragraph, the term "light fruit juice sirup", "heavy fruit juice sirup", or "extra heavy fruit juice sirup" includes a sirup which conforms in all other respects to the provisions of this section, in the preparation of which there is used the liquid drained from any fruit ingredient previously canned in a packing medium consisting wholly of the liquid and saccharine ingredients of light

fruit juice sirup, heavy fruit juice sirup, or extra heavy fruit juice sirup.

(e) (1) The optional ingredients specified in paragraphs (b) (5) (ii) and (iii) and (c) (1) to (8), inclusive, are hereby designated as optional ingredients which, when used, shall be named on the label by the name whereby each is so specified.

Said regulations fixing and establishing a definition and standard of identity for fruit cocktail as hereby amended shall become effective on the ninetieth day after the date of publication of this order in the FEDERAL REGISTER except that the provisions of paragraph (e) (1) as they apply to the optional packing media specified in paragraph (c) (3) to (8), inclusive, shall become effective on August 1, 1943.

Any interested person whose appearance was filed at the hearing may, within 5 days from the date of publication of this proposed order in the FEDERAL REGISTER, file with the Hearing Clerk of the Federal Security Agency, Office of the Assistant General Counsel, Room 2242, South Building, 14th Street and Independence Avenue SW., Washington, D. C., written exceptions thereto. Exceptions shall point out with particularity the alleged errors in the proposed order, and shall contain specific references to the pages of the transcript of the testimony or to the exhibits on which each exception is based. Such exceptions may be accompanied with a memorandum or brief in support thereof.

Dated: November 21, 1942.

[SEAL] WATSON B. MILLER,
Acting Federal Security Administrator.

[F. R. Doc. 42-12343; Filed, November 24, 1942;
11:07 a. m.]

INTERSTATE COMMERCE COMMISSION.

COMMON CARRIERS

FILING OF GENERAL INCREASES IN RATES

NOVEMBER 21, 1942.

To all common carriers subject to Parts I, II and III of the Interstate Commerce Act:

The act approved October 2, 1942, entitled "An Act to amend the Emergency Price Control Act of 1942, to aid in preventing inflation, and for other purposes," contains the following provision:

That no common carrier or other public utility shall make any general increase in its rates or charges which were in effect on September 15, 1942, unless it first gives thirty days' notice to the President, or such agency as he may designate and consents to the timely intervention by such agency before the Federal, State or municipal authority having jurisdiction to consider such increase.

Order No. 1, issued by Director of Economics Stabilization James F. Byrnes on October 14, 1942, designates the Price Administrator of the Office of Price Administration to receive notices of such increases in common carrier rates and charges. In turn the Office of Price Ad-

17 F.R. 8758.

ministration has provided that two copies of such notices shall be addressed to: Transportation and Public Utilities Division of the Office of Price Administration, Washington, D. C.

For the information of the Commission and for the purpose of cooperating with the Office of Price Administration common carriers and their agents are requested, when filing with the Commission tariff publications which contain general increases as provided in the Price Control Act, to either (a) send to the Commission with the letter of transmittal accompanying such publications a copy of the notice to the Office of Price Administration of such increases; or (b) show on the letter of transmittal (or on a separate sheet accompanying such letter of transmittal) a statement indicating whether such publications contain any general increases in rates or charges and whether and on what date notice in accordance with the provisions of law has been sent to the Transportation and Public Utilities Division of the O.P.A.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 42-12344; Filed, November 24, 1942;
11:08 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Amendment of Vesting Order 249']

AMERICAN POTASH & CHEMICAL CORPORATION

Vesting Order Number 249 of October 20, 1942, is hereby amended as follows and not otherwise:

(1) By striking from paragraph (a) thereof the words "the names of the registered owners of which, and the number of shares owned by them respectively, are as follows:" and by substituting therefor the words "which shares are registered in the following names:"

(2) By striking from paragraph (a) thereof the words "held for the benefit of" and substituting therefor the words "beneficially owned by".

All other provisions of such Vesting Order No. 249 and all action taken on behalf of the undersigned in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on November 19, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-12338; Filed, November 24, 1942;
11:01 a. m.]

[Vesting Order 350]

CERTAIN INDEBTEDNESS OWING BY AMBER MINES, INC.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

17 F.R. 8757.

(a) Finding that Preussische Bernstein Manufactur, whose last known address was represented to the undersigned as being Koenigsberg, Germany, is a national of a designated enemy country (Germany);

(b) Finding that the Preussische Bergwerks und Huetten, A. G., whose last known address was represented to the undersigned as being Berlin, Germany, and which therefore is a national of a designated enemy country (Germany), was (prior to the vesting of such shares by the undersigned pursuant to Vesting Order Number 43 issued under date of July 1, 1942) the owner of 1,000 shares of the capital stock of Amber Mines, Inc., a New York Corporation, New York, New York, which is a business enterprise within the United States and which 1,000 shares constitute all the outstanding capital stock of said business enterprise and represent ownership thereof, and therefore determining that such business enterprise is a national of the aforesaid designated enemy country (Germany);

(c) Finding that all right, title, interest and claim of any name or nature whatsoever of Preussische Bernstein Manufactur in and to all indebtedness, contingent or otherwise, and whether or not matured, owing to it by said Amber Mines, Inc., including but not limited to all security rights in and to any and all collateral for any or all of such indebtedness and the right to sue for and collect such indebtedness, is an interest in the aforesaid business enterprise held by a national of an enemy country, and also is property within the United States owned or controlled by a national of a designated enemy country (Germany);

(d) Determining that to the extent that such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Germany);

(e) Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise; and

(f) Deeming it necessary in the national interest;

hereby vests in the Alien Property Custodian the indebtedness described in subparagraph (c), to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a

notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on November 11, 1942.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-12332; Filed, November 24, 1942;
11:00 a. m.]

[Vesting Order 366]

INTERESTS OF JOHN JACOB NORTZ, ET AL.

Interests of John Jacob Nortz, Louise Barbara Graue and Lillian Mary Wolz, Their Spouses and Issue, in the John Jacob Nortz Trust, Louise Barbara Graue Trust, and Lillian Mary Wolz Trust.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

(1) All right, title, interest and estate, both legal and equitable, of John Jacob Nortz, whose last known address was 5 Siebert, Munich, Germany, and that of his spouse and his issue, in and to the John Jacob Nortz trust, the Louise Barbara Graue trust, and the Lillian Mary Wolz trust, of which Paul Nortz is substitute trustee;

(2) All right, title, interest and estate, both legal and equitable, of Louise Barbara Graue, whose last known address was 34 Osterdeich, Bremen, Germany, and that of her spouse and her issue, in and to the John Jacob Nortz trust, the Louise Barbara Graue trust, and the Lillian Mary Wolz trust, of which Paul Nortz is substitute trustee;

(3) All right, title, interest and estate, both legal and equitable, of Lillian Mary Wolz, whose last known address was 36 Troger, Munich, Germany, and that of her spouse and her issue, in and to the John Jacob Nortz trust, the Louise Barbara Graue trust, and the Lillian Mary Wolz trust, of which Paul Nortz is substitute trustee.

is property within the United States owned by nationals of a designated enemy country (Germany), and determining that to the extent that such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Germany), and having made all determinations and taken all action, after appropriate consultation and certification required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on November 14, 1942.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-12333; Filed, November 24, 1942;
11:00 a. m.]

[Vesting Order 387]

TAIYO TRADING COMPANY, INC.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

635 shares (which, together with the 217 shares of similar stock vested by the undersigned in Vesting Order Number 147 issued under date of September 17, 1942, constitute a substantial part, namely, 71.12% of all outstanding shares) of \$50.00 par value capital stock of Taiyo Trading Company, Inc., a New York corporation, New York, New York, which is a business enterprise within the United States and was found in Vesting Order No. 147 to be a national of a designated enemy country (Japan), the names and last known addresses of the owners of which, and the number of shares owned by them respectively, are as follows:

Names and last known addresses	Number of shares
Hiroshi Kondo, Japan (by repatriation)	506
Roku Kondo, Japan (by repatriation)	4
Jioji Kato, Japan (by repatriation)	95
Shigeru Sassa, Japan (by repatriation)	15
Magejiro Yamada, Japan (by repatriation)	15
Total	635

is property of nationals, and represents control of said business enterprise which is a national, of a designated enemy country (Japan), and determining that to the extent that any or all of such nationals are persons not within a designated enemy country the national inter-

est of the United States requires that such persons be treated as nationals of the aforesaid enemy country (Japan), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on November 19, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-12334; Filed November 24, 1942;
11:00 a. m.]

[Vesting Order 394]

CERTAIN INDEBTEDNESS OWING BY SOUTHERN COTTON CO., LTD.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

All right, title, interest and claim of any name or nature whatsoever of Y. Shinohara (alien detention camp) and S. Takobe (alien detention camp), citizens of Japan, and of H. Yamanouchi, J. Arakawa, E. Fujise, J. Inouye, T. Okamoto, S. Nakamura, K. Ito, K. Otani and K. Kuzutani, and each of them, the last known address of each of whom was represented to the undersigned as being Japan, in and to all indebtedness, contingent or otherwise and whether or not matured, owing to them or any of them by Southern Cotton Co., Ltd. [which was found in Vesting Orders Number 59 of July 24, 1942, and Number 145 of September 15, 1942, to be a business enterprise within the United States which is a national of a designated enemy country (Japan)], a Texas partnership, Dallas, Texas, including but not limited

to all security rights in and to any and all collateral for any or all such indebtedness and the right to sue for and collect such indebtedness,

is an interest in the aforesaid business enterprise held by, and is property within the United States owned or controlled by, nationals of a designated enemy country (Japan), and determining that to the extent that any or all of such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Japan), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on November 19, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-12335; Filed, November 24, 1942;
11:00 a. m.]

[Vesting Order 403]

INTERESTS OF CERTAIN GERMAN NATIONALS IN THE ROBERT W. POMMER TRUST

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

All right, title, interest and estate, both legal and equitable, of Carlo Pommer, Essen, Germany, Wilhelm Pommer, Hildesheim, Germany, Helena Pommer Salentien, Duisburg, Germany, and Alfred Pommer (alien detention camp), and each of them, in and to the Robert

W. Pommer Trust Fund, of which Carl Robert Pommer is trustee, and all accrued and unpaid income and distributory shares therein,

is property within the United States owned or controlled by nationals of a designated enemy country (Germany), and determining that to the extent that any or all of such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Germany), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C. on November 19, 1942.

[SEAL] LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-12336; Filed, November 24, 1942;
11:00 a. m.]

[Vesting Order 405]

CERTAIN INDEBTEDNESS OWING BY BUFFALO ELECTRO-CHEMICAL COMPANY, INC.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

All right, title, interest and claim of any name or nature whatsoever of Holding A. G. Fuer Merck-Unternehmungen (also known as Merck Holding Co.), the last known address of which was represented to the undersigned as being Zug, Switzerland, and which is listed on The Proclaimed List of Certain Blocked Nationals promulgated pursuant to Proclamation 2497 of the President of the

United States of America of July 17, 1941, in and to all indebtedness, contingent or otherwise and whether or not matured, owing to it by Buffalo Electro-Chemical Company, Inc., a New York corporation, Buffalo, New York, which is a business enterprise within the United States, including but not limited to all security rights in and to any and all collateral for any or all of such indebtedness and the right to sue for and collect such indebtedness, and including all indebtedness owing to said Holding A. G. fuer Merck-Unternehmungen by said business enterprise on account of dividends declared (and not yet paid) by the aforesaid business enterprise on or about September 3, 1942, and payable to stockholders of record as of September 5, 1942,

is an interest in said Buffalo Electro-Chemical Company, Inc. [which was found in Vesting Order Number 191 issued under date of September 28, 1942, to be a national of a designated enemy country (Germany)] held by, and is property within the United States owned by, a national of a designated enemy country (Germany), and determining that to the extent that any or all of such nationals are persons not within a designated enemy country the national interest of the United States requires that such persons be treated as nationals of the aforesaid designated enemy country (Germany), and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on November 19, 1942.

[SEAL]

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-12337; Filed, November 24, 1942; 11:01 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[Order 4 Under MPR 225]

PORTLAND PRINTING HOUSE, INC.

ORDER GRANTING ADJUSTMENT

Order No. 4 Under Maximum Price Regulation No. 225—Printing and Printed Paper Commodities.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250 and in accordance with § 1347.469 (b) of Maximum Price Regulation No. 225, *It is hereby ordered:*

(a) Portland Printing House, Inc. may sell and deliver to the Portland Gas and Coke Company and the Northwestern Electric Company single and double merchandise and customer monthly statements at prices not in excess of the following:

Single Statements.....	\$2.18 per M
Double Statements.....	\$4.49 per M

This permission shall be retroactive to September 21, 1942.

(b) All prayers of the petition not granted herein are denied.

(c) This Order No. 4 may be revoked or amended by the Price Administrator at any time.

(d) Unless the context otherwise requires, the definitions set forth in § 1347.472 of Maximum Price Regulation No. 225 shall apply to the terms used herein.

(e) This Order No. 4 shall become effective November 24, 1942.

Issued this 23d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12305; Filed, November 23, 1942; 4:19 p. m.]

[Order 83 Under MPR 120]

THREE COUNTIES COAL CORPORATION

ORDER GRANTING ADJUSTMENT

Order No. 83 under Maximum Price Regulation No. 120—Bituminous Coal Delivered From Mine or Preparation Plant—Docket No. 3120-110.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942 as amended and Executive Order No. 9250, and in accordance with § 1340.207 (b) of Maximum Price Regulation No. 120, *It is ordered:*

(a) Three Counties Coal Corporation, Augusta, Illinois, may sell and deliver and any person may buy and receive the bituminous coal described in paragraph (b) at prices not in excess of the respective prices stated therein, for shipment by truck or wagon;

(b) Coals in Size Groups 1 and 8 produced by the Three Counties Coal Corporation at its Augusta Mine (Mine In-

dex No. 1343), in District No. 10, may be sold for shipment by truck or wagon at a price not to exceed \$3.50 and \$2.50 per net ton respectively, f. o. b. the mine;

(c) This Order No. 83 may be revoked or amended by the Price Administrator at any time;

(d) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to terms used herein;

(e) This Order No. 83 shall become effective this 24th day of November 1942.

Issued this 23d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12306; Filed, November 23, 1942; 4:20 p. m.]

[Order 84 Under MPR 120]

JOHN T. FALLON

ORDER GRANTING ADJUSTMENT AND DENYING PROTESTS, ETC.

Order No. 84 Under Maximum Price Regulation No. 120—Bituminous Coal Delivered From Mine or Preparation Plant—Docket No. 1120-92-P.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.207 (b) of Maximum Price Regulation No. 120, *It is hereby ordered:*

(a) *Granting adjustment.* (1) Rail shipments of run-of-mine coal (Size Group 6), produced by John T. Fallon at his Junior Mine (Mine Index No. 82), District No. 3, in Barbour County, West Virginia may be sold and purchased for railroad fuel use at prices not exceeding \$2.25 per net ton f. o. b. the mine, and for other uses may be sold and purchased at prices not exceeding \$2.30 per net ton f. o. b. the mine;

(2) Paragraph (a) of this Order No. 84 may be revoked or amended by the Price Administrator at any time;

(3) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to the terms used herein;

(b) *Denial of protest except insofar as relief is granted by this Order No. 84.* The protest filed by John T. Fallon against the provisions of Maximum Price Regulation No. 120 and assigned Docket No. 1120-92-P is hereby denied except insofar as relief is granted in paragraph (a) of this Order No. 84.

(c) This Order No. 84 shall become effective November 24, 1942.

Issued this 23d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12307; Filed, November 23, 1942; 4:20 p. m.]

[Order 85 Under MPR 120]

SHOCKLEY CREEK COAL COMPANY

ORDER GRANTING ADJUSTMENT

Order No. 85 Under Maximum Price Regulation No. 120—Bituminous Coal Delivered From Mine or Preparation Plant—Docket No. 3120-211.

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.207 (b) of Maximum Price Regulation No. 120, *It is ordered:*

(a) The Shockley Creek Coal Company, Beckley, West Virginia, may sell and deliver, and any person may buy and receive, the bituminous coal described in paragraph (b) at prices not in excess of those stated therein, for shipment by rail and via tidewater.

(b) The coal produced by the Shockley Creek Coal Company at its Semoco Mine, Mine Index No. 165, in District No. 7, may be sold for shipment by rail and via tidewater at prices not to exceed \$3.00 per net ton in Size Group 7 and \$2.75 per net ton in Size Group 8, f. o. b. the mine.

(c) This Order No. 85 may be revoked or amended by the Price Administrator at any time.

(d) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to terms used herein.

(e) This Order No. 85 shall become effective November 24, 1942.

Issued this 23d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12308; Filed, November 23, 1942;
4:20 p. m.]

[Order 86 Under MPR 120]

WHITE ASH COAL COMPANY

ORDER GRANTING ADJUSTMENT

Order No. 86 Under Maximum Price Regulation No. 120—Bituminous Coal Delivered From Mine or Preparation Plant—Docket No. 3120-188.

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.207 (b) of Maximum Price Regulation No. 120, *It is ordered:*

(a) White Ash Coal Company, Peoria, Illinois, may sell and deliver, and any person may buy and receive the bituminous coal described in paragraph (b) for shipment by truck or wagon at prices not in excess of the respective prices stated therein.

(b) Coals produced by White Ash Coal Company at its Middle Road Mine (Mine

Index No. 788), in District No. 10, may be sold for shipments by truck or wagon at prices not to exceed the following prices per net ton f. o. b. the mine:

Size groups	Maxima established herein
8.....	\$2.85
10.....	2.85
12.....	2.60

(c) Within thirty (30) days from the effective date of this order, said White Ash Coal Company shall notify all persons purchasing its coals of the adjustments granted by this order, and shall include a statement that if the purchaser is subject to Maximum Price Regulation No. 122 in the resale of coal, the adjustments granted by this order do not authorize any increase in the purchaser's resale price except in accordance with and subject to the conditions stated in Amendment No. 8 to Maximum Price Regulation No. 122.

(d) This Order No. 86 may be revoked or amended by the Price Administrator at any time.

(e) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to terms used herein.

(f) This Order No. 86 shall become effective November 24, 1942.

Issued this 23d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12309; Filed, November 23, 1942;
4:20 p. m.]

[Order 87 Under MPR 120]

FIRE CREEK COAL AND COKE COMPANY

ORDER GRANTING ADJUSTMENT

Order No. 87 Under Maximum Price Regulation No. 120—Bituminous Coal Delivered From Mine or Preparation Plant—Docket No. 3120-109.

For the reasons set forth in the opinion issued simultaneously herewith, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.207 (d) of Maximum Price Regulation No. 120, *It is ordered:*

(a) The Fire Creek Coal and Coke Company, Fire Creek, West Virginia, may sell and deliver, and any person may buy and receive, the bituminous coal described in paragraph (b) at prices not to exceed the price stated therein;

(b) Smithing coal produced at the Fire Creek Mine (Mine Index No. 69), District No. 7, and the Mason No. 1 Mine (Mine Index No. 116), District No. 7, of the Fire Creek Coal and Coke Company, may be sold at prices not to exceed \$3.25 per net ton, f. o. b. the mine;

(c) This Order No. 87 may be revoked or amended by the Price Administrator at any time;

(d) Unless the context otherwise requires, the definitions set forth in § 1340.208 of Maximum Price Regulation No. 120 shall apply to terms used herein;

(e) This Order No. 87 shall become effective November 24, 1942.

Issued this 23d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12310; Filed, November 23, 1942;
4:16 p. m.]

[Order 88 Under MPR 120]

PEKIN COAL MINING COMPANY

ORDER GRANTING ADJUSTMENT

Order No. 88 Under Maximum Price Regulation No. 120—Bituminous Coal Delivered From Mine or Preparation Plant—Docket No. 3120-89.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order No. 9250, and in accordance with § 1340.207 (b) of Maximum Price Regulation No. 120, *It is hereby ordered:*

(a) The Pekin Coal Mining Company, Pekin, Illinois, may sell and deliver, and any person may buy and receive, the bituminous coal described in paragraph (b) at prices not to exceed the respective prices stated therein;

(b) Coal in Size Groups 1, 3 and 11 produced at the Pekin Mine (Mine Index No. 819), District No. 10, of the Pekin Coal Mining Company, may be sold for shipment by truck or wagon at prices per net ton, f. o. b. the mine, not to exceed \$3.40, \$3.25, and \$2.75, respectively;

(c) This Order No. 88 may be revoked or amended by the Price Administrator at any time;

(d) All prayers of the petition not granted herein are denied;

(e) Within thirty days from the effective date of this order, the said Pekin Coal Mining Company shall notify all persons purchasing its coals of the adjustments granted in the Order, and shall include a statement that if the purchaser is subject to Maximum Price Regulation No. 122 in the resale of coal, the adjustments granted by the order do not authorize an increase in the purchaser's re-sale price except in accordance with and subject to the conditions stated in Amendment No. 8 to Maximum Price Regulation No. 122.

(f) Unless the context otherwise requires, the definitions set forth in § 1340.208 shall apply to the terms used herein;

(g) This Order No. 88 shall become effective November 24, 1942.

Issued this 23d day of November 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-12311; Filed, November 23, 1942;
4:19 p. m.]

